

REGULAR COUNCIL MEETING
WALLACE, IDAHO
March 10, 2021

Mayor Mogensen called the meeting to order at 6:00 p.m. in the council chamber. Mayor Mogensen asked anyone calling into the meeting to identify themselves. The following people participated telephonically - Chris Bishoff, John and Sue Hansen, Debbie Ruggles, Wendy Beehner, Shelli Niemi, Courtney Friehe and McKenzie Jensen. Mayor Mogensen reminded everyone to mute their phones.

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

Flag Salute

Consent Agenda:

Council member Cooper made the motion to approve the minutes of the February 10, 2021 meeting, accounts payable in the amount of \$74,407.55, transfers and the advanced payroll for April. Seconded by Council member Bisconer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Reports:

Mayor:

Mayor Mogensen stated the clerk is looking into moving the City's savings accounts to another bank, because it is not good to "have all of our eggs in one basket". The signers on the new account would be the same as on our US Bank checking - Lynn Mogensen, Kristina Larson and Elmer Mattila. Council member Shaffer asked what bank the City is considering and Mayor Mogensen stated P1FCU. The Mayor went on to say the pool was broken into by a few kids and she is working with the parents, Sheriff and city attorney on repercussions. Discussion held on what was taken and how they got into the pool. Council member Bisconer asked if the pool was going out to bid this month. The clerk stated the City has submitted all the required paperwork to Panhandle Area Council and are now waiting on an agreement between the City and Department of Commerce before the project can go out to bid. Council member Branstetter said she feels PAC misled the city on the timeline.

Sheriff:

Council member DeRoos read the Sheriff's report submitted by Sheriff Gunderson stating that during the month of February 2021 the Shoshone County Sheriff's Department was dispatched to 93 calls for service within the city of Wallace, and 13 of those calls resulted in a written report. A report was attached. Council member Shaffer made the motion to approve the Sheriff's report as submitted and read. Seconded by Council member Mattila. 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 18 times for medical emergencies and 2 fire response in Wallace for February 2021. Council member Bisconer made the motion to approve the Fire report as submitted and read. Seconded by Council member DeRoos. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Street:

Council member Bisconer stated that the Public Works Department has been removing snow. They also cleaned drains, are monitoring Benthems Road due to rocks falling on the roadway, replaced a parking brake on the old loader and fixed the boiler at City Hall. Council member Bisconer said they have been documenting "lessons learned", complaints and suggestions received regarding snow removal, so they can be reviewed this Spring and improvements can be made in the future to the snow plan.

Finance:

Council member Cooper read the Finance report submitted stating that the General fund has \$770,985.35; Street -20,679.35; Library \$49,565.28; Parks & Rec. \$545,725.56; Insurance \$54,496.37; Sewer \$134,308.72; USDA \$98.77 for a total of \$1,534,501.00 Wells Fargo Savings \$353,136.17 and Wallace Inn UDAG \$195,013.48. Council member Shaffer made a motion to approve the Finance 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.

Library:

Council member Mattila stated a new router is being installed at the library. Patronage seems to be down and they are looking forward to a better Spring. A new assistant has been hired at the library. Discussion held on the repairs made to the steps.

Parks and Recreation:

Council member Branstetter stated she has been working on the land trust/land trade and would address this issue under business.

Business:

Discuss/Approve ORDINANCE NO. 2021-02 AN ORDINANCE OF THE CITY OF WALLACE, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF A PORTION OF PROPERTY LOCATED WITHIN THE CITY OF WALLACE AND LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHMENT OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID PROPERTY IS TRANSFERRED AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW. (Action Item) – Mayor Mogensen stated this was an issue that came before the council in 2018, but the vacation was never recorded. Discussion held on exactly what property this ordinance is pertaining to. Scott Shellman, real estate agent for Keller Williams was present and asked if he could speak to this. Mayor Mogensen stated not at this time. He did provide the council with a handout which was a map of the area around 810 Maple. Mayor Mogensen stated the council is only considering this ordinance and not hearing any other issues pertaining to this property. Council member Branstetter made a motion to read Ordinance 2021-02 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. **ORDINANCE NO. 2021-02 AN ORDINANCE OF THE CITY OF WALLACE, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF A PORTION OF PROPERTY LOCATED WITHIN THE CITY OF WALLACE AND LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHMENT OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID PROPERTY IS TRANSFERRED AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.** Council member Branstetter made a motion to suspend the rule that requires the ordinance be read on three separate occasions. Council member Mattila 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 2021-02 be passed by being read by title only. Seconded by Council member Branstetter. Discussion held on who would pay for the recoding. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye, Bisconer Aye; and Cooper Aye. Carried.

Discuss Street Closure for Huckleberry Festival/August 13th & 14th – Historic Wallace Marketing Group/Emma Stayduhar (Action Item) - Emma addressed the council regarding the street closure. Mayor Mogensen stated this event is dependent upon COVID restriction and the group needs to contact the neighbors that will be impacted by this event. Discussion held. Council member Bisconer made a motion to approve the street closure with the conditions that the State allows large gatherings and the neighbors affected by the street closure are notified. Further discussion held on the City's stipulations in regard to proceeding with this event under COVID restrictions. Seconded by council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Discuss Street Closure for Spokane Boxing (Action Item) – No information was submitted, and no one attended the meeting. This item was not addressed.

Discuss/Review Liquor License application for the Dayrock - (Action Item) – Dave DeRoos addressed the council and stated he has the license from the State and the County and now would like the City's approval. Council member Shaffer made a motion to accept the application for a liquor permit for the Dayrock. Seconded by council member Mattila. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried. Council member Cooper stated for the record council member DeRoos should disclose that he will profit from this decision.

Heather Branstetter – Update to City Council regarding Land Use Proposal meeting with Ryder Gauteraux – Council member Branstetter addressed the council and stated the people present at the meeting were Rick Shaffer, Mr. Gauteraux, Chuck Jones, Christine O'Conner, Corey Erickson and Kinzie. The meeting started out with background on why Mr. Gauteraux and Mr. Jones want to get rid of 40 acres that are located to the South of Wallace and can be seen from downtown. Council member Mattila asked for clarification on the images that were provide by Mr. Gauteraux and Mr. Jones. Council member

Branstetter stated the owners do not want to develop that piece of property which is in the view shed of the City. They would like those 40 acres to go to someone who will use it to benefit the public such as making it a park to be used for non-motorized purposes. They have talked to Palouse Trust and Nature Conservancy and those options are unwieldy, but they could possibly work. The three options to work with land trust would have to come from a grass roots organization or non-profit or the City of Wallace. The idea that has emerged is a land trade where those 40 acres go to BLM then BLM would negotiate with them to exchange for other land. In order for that to happen, the City would need to support that land trade. Council member Branstetter stated the property wouldn't go to the City and she admits this portion is unclear to her. Council member Branstetter's understanding is that the City would work with BLM to make it into a useable, non-motorized park. The question then is, "who owns it?" Mr. Gauteraux stated they originally offered it for sale, but it can also be acquired by the City through a land trust. Mr. Gauteraux described how the property is situated. Council member Branstetter stated if the City is not interested in the property maybe a non-profit would be. If there is not a feasible option, the owners will sell it. Council member Branstetter stated she would like to continue to work on this and talk to the BLM and the water district. Council member Bisconer asked if Palouse Land Trust and Nature Conservancy were at the meeting and council member Branstetter replied they were not.

Council member Shaffer did a "walk through" with Mr. Gauteraux to get a clear picture of the area that is being discussed and stated it is best to take the names and faces of those involved out of the picture and focus on what's best for Wallace, which is protecting the view shed. One concern council member Shaffer has is timing. The owners of the property have a plan, but there is also the mountain overlay issue with the County. Can they coexist? With all the interested parties involved, it is important to have these groups working together in a timely fashion. Council member Shaffer also stated recreational parkland for the community good would be a positive for Wallace. Further discussion held.

Mayor Mogensen then asked if this property is in the city limits or County? Mr. Gauteraux stated he believed a portion is in the City and a portion is in the County. Discussion held. Mr. Gauteraux then said the property is in the County. She then asked if it would be better for the owners, tax wise, to donate the property? Discussion held on donating the property, doing a land swap and fire suppression. Mayor Mogensen suggested Mr. Gauteraux contact BLM about the road they put in for fire suppression. Further discussion held on concerns with having people and motorized vehicles on the property. Council member Branstetter stated another reason Mr. Gauteraux and Mr. Jones want to involve the City, is there is City property you need pass through to get to the property. Discussion held on how to access the property. Council member Cooper asked if they have the timber rights? Chuck replied that they do. Further discussion held. Mayor Mogensen stated there are a lot of questions. Council member Branstetter stated the public is welcome to email her with their comments and questions. Further discussion about accessing the property. Council member Mattila stated it will take a long time to sort through this. Council member Bisconer said there is a lot of due diligence.

Mayor Mogensen asked why the owners couldn't do the land swap on their own? Mr. Gauteraux said they would prefer to give the City first choice and/or a group. Mayor Mogensen asked again why they couldn't do this on their own? Mr. Gauteraux responded he didn't want to deal with the City and the fight involving the view shed. Further discussion held on why the owners can't negotiate the land trade on their own.

Council member Branstetter stated her take away from the meeting was the current owners are really trying to work toward a solution and have a place the general public can use. She went on to say, that as a private citizen, she feels if the City and County want to protect the view shed of Wallace, it would be best to get the land into public hands. Further discussion held. Mr. Jones left the meeting. Discussion held on giving this property to BLM. Council member Bisconer stated her take away is there are a lot of unanswered questions and research to do. Mr. Gauteraux stated that in his conversation with BLM, they are only willing to do a land trade if it is in the public good. Mayor Mogensen asked Mr. Gauteraux if he needs to contact the water district and County about this? He stated he was not sure of the process when it comes to a land trade, but they should probably be notified. Further discussion held. Mr. Gauteraux stated it is the only privately held property on the South Hill and he is interested in working with the City to make it part of the public domain. Mayor Mogensen asked if Mr. Gauteraux if he owns the timber rights, and Mr. Gauteraux stated he owns the timber, surface and mineral rights, but they do have an agreement that Layton can log a portion of the property over the next year.

Council member Branstetter stated she would like to talk to the BLM, the water district and the County and continue to explore the options that are available. Mayor Mogensen stated that was fine. Discussion held on the timeline. Mr. Gauteraux stated the 90 days he previously suggested was pertaining to letting the

owners know if the City was interested or not. Discussion held on how to access the property, and contacting surrounding property owners. Council member Shaffer stated he supports Council member Branstetter being the lead on this.

Ryder Gauteraux – Request for easement/access to property via Pearl Street and Weyer Gulch (Action Item) – Mr. Gauteraux addressed the council. He stated he owns property above Wallace with the deeded access going through Weyer Gulch and ITD owns a portion of the property on the southside of the river. During this time, Mr. Gauteraux was referencing maps he provided to the council, and then stated his easement goes across a bridge. The Mayor asked “what bridge?” He replied there used to be two bridges that went across the creek. Mr. Gauteraux stated the City of Wallace owns the property under the bridge where the gravel is kept. “ITD controls it, but the City actually own it.” Presentation continues referencing various maps, discussion of ownership of property and where Highway 10 used to be. Mr. Gauteraux stated he issued a permit to ITD for access to the property using the area under the bridge, but to make this work three people have to be involved - ITD’s engineer, his engineer and the City’s engineer. The Mayor asked who his engineer is and he stated it’s Chris Pfahl. Council member Cooper asked if Mr. Pfahl is a civil engineer and Mr. Gauteraux stated he is. Mr. Gauteraux explained he submitted an application to ITD and they told him he shouldn’t use that route because there is an alternate access through Pearl St. Mayor Mogensen asked Mr. Gauteraux if he has the paperwork from ITD stating this? Council member Cooper asked if ITD told him to use Pearl Street? Mr. Gauteraux replied that was exactly what he was told.

Mr. Gauteraux produced a map of Weyer Gulch Road. Council member Cooper asked where the map was from and Mr. Gauteraux replied that it was from an app called Onxhunt.com. Council member Cooper stated he does not believe the road referenced by Mr. Gauteraux exists and he also stated that nowhere on ITD’s denial letter does it state to use Pearl Street. Mr. Gauteraux stated the letter was a general denial. Council member Mattila asked if Mr. Gauteraux had appealed the decision? Mr. Gauteraux stated he has appealed and it’s with the Boise office. He went on to state that he has deeded access on Pearl, but does not want to use it because it would not be fair to some of the homeowners. Mayor Mogensen asked Mr. Gauteraux to show her in the letter where the State tells him to use Pearl as an alternate. Mr. Gauteraux stated it was told to him in a conversation with ITD. Mr. Gauteraux stated he has property and he would like access to it and the City can decide how he should access it. Discussion held on how Mr. Gauteraux would use Pearl Street to access his property. Mr. Gauteraux suggested he’d use bulldozers and probably not need dynamite to take the whole mountain down so Pearl Street could maintain grade and get to his property. Mr. Gauteraux said this not his preferred option. Discussion held on what exactly Mr. Gauteraux is asking from the council. Mr. Gauteraux stated he would like the City to work with ITD to create a feasible route for 300 feet that works for the City. Council member Cooper asked Mr. Gauteraux if he is asking that the City talk to ITD about his appeal and Mr. Gauteraux stated “yes”. Discussion held on other access routes. Mayor Mogensen stated she thought this issue needs to be sorted out between Mr. Gauteraux and ITD. Mr. Gauteraux stated the City has to be involved because the property under the freeway is a city street. Northern Pacific Railroad deeded it to the City as a public right-a-way. Mr. Gauteraux then went on to say this issue is in the appeal process in Boise and he is going to have a hearing. Mr. Gauteraux made reference to another letter he had gotten from ITD that outlined additional problems with his application but he didn’t provide it to the Council.

Mr. Gauteraux then referenced a letter from the water district to ITD. Council member Branstetter read the letter aloud. In summary, it gives support to Mr. Gauteraux building a bridge. Mr. Gauteraux stated he is asking the City to provide a similar letter with any changes the City feels are necessary, so he can provide it to ITD. Mr. Gauteraux also stated that Fire Chief Cagle stated there would need to be some additional items in the letter. Discussion held on grade. Council member Branstetter stated the reason ITD denied the permit is confusing to her. Mr. Gauteraux said they denied the permit on the wrong code and they told him in a discussion that the reason they were denying it was because of available alternate access. Discussion held on denial and timeline of appeal. Mr. Gauteraux stated the hearing for the application has not been set. Mayor Mogensen stated the City needs to check with the city engineer, water district, fire district and ITD. Mr. Gauteraux stated he wants the City to have a seat and provide input on the permit. Mayor Mogensen stated she has already provided a letter and Mr. Gauteraux said it was vague. Mr. Gauteraux stated that Homeland Security has a cell tower on the property that has no access whatsoever. Mr. Gauteraux stated that his agreements with Homeland Security states that he will prove them access. Mayor Mogensen requested the documents and Mr. Gauteraux then stated those agreements are between ITD and Homeland Security. Discussion held about the cell tower located in this area and Homeland Security using Mr. Gauteraux potential bridge to access the cell tower. Mayor Mogensen asked Mr. Gauteraux to provide documentation of his conversation with Homeland Security. Further discussion held


on the cell tower and the water district accessing their water tank also located in this area. Mayor Mogensen stated, again, the City would talk to ITD, water district, Homeland Security, city engineer, fire district and the city attorney. Council member DeRoos stated he believes Mr. Gauteraux should hire an attorney. Further discussion held on how to proceed.

Council member Bisconer made a motion to table the decision so that the council has the opportunity to consult with the city engineer, fire chief, water district and ITD to figure out what the expectations are and why ITD is recommending Pearl vs. Weyer Gulch. Seconded by Mattila. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Appoint Scott Lewis, Dave Copelan and Sarah Murphy to the Planning and Zoning and Historic Preservation Commission (Action Item) -Mayor Mogensen stated all three people would like to continue on P&Z. Discussion held about council members attending the meetings. Council member Cooper made a motion to appoint Scott Lewis, Dave Copelan and Sara Murphy to Planning and Zoning and Historic Preservation Commission. Seconded by Bisconer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Bisconer Aye; and Cooper Aye. Carried. Council member Shaffer was not present when the Mayor did roll call.

Proclaim April Fair Housing Month (Action Item) - Council member DeRoos made a motion to proclaim April "Fair Housing" month. Seconded by council member Bisconer. 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 Branstetter made the motion to adjourn at 8:05 p.m. Seconded by Council member Bisconer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.



Lynn Mogensen, Mayor

ATTEST:



Kristina Larson
City Clerk/Treasurer