

SPECIAL COUNCIL MEETING
WALLACE, IDAHO
August 21, 2024

Mayor Mogensen called the meeting to order at 5:00 p.m. in the council chambers.

Roll Call: Council members present: Elmer Mattila, Cindy Lien, Rick Shaffer and Dean Cooper. Council members absent: Michele Bisconer

Flag Salute

Workshop for Business Registration Ordinance - (*Action Item*) – Council member Lien stated she still has concerns with a building inspector inspecting for a business registration, and pointed out areas in the ordinance that reference the building inspector. Discussion held on the proposed annual fee in relation to other cities and multiple vendors in one building. Council member Shaffer made a motion to continue the process of working with this ordinance pursuant to more information coming from legal. Second by council member Mattila.

Further discussion held on a timeline a business has to address an infraction. Attorney, Ben Allen, stated if there are specific modifications and changes, he will need those stated. Council member Lien confirmed with Chief Miller that he has the right to enter any business at any time. She then stated she does not see why a building inspector needs to go in. Council member Shaffer stated the code does not reference the building inspector. Council member Lien pointed out the code now references “an agent of the city”. Discussion held. Mr. Allen pointed out that blanket authority for the building inspector is no long in the ordinance. Further discussion held. Council member Lien made a motion on 110.06 “Inspection of Premises” to eliminate “...and any other designated agent of the City...”. There was no second. Motion fails. Council member Lien made a motion to remove “Applications which are incomplete or are otherwise violative of the Wallace City Code, shall be denied” under 110.04 “Registration Application” (C). There was no second. Motion fails.

Discussion regarding 110.10 “Multiple Business or Business Locations”. Council member Cooper asked if a few members of the public could address the council. Patty Herndon owns North Idaho Unique Creations and she is concerned about the 25 different businesses she has operating under her business. Council member Cooper stated 110.10 will address this. Anna Berger asked if there could be a business license for multiple businesses, and possibly pay a higher fee, but not a fee for every business? She also feels the inspection portion is “muddy”. Jason, owner of 1313, asked “what are we solving for”? Mr. Allen explained that for health and safety, from a fire standpoint primarily, they are having issues determining what type of operations are being conducted in certain business buildings. The business registration will help them understand what type of functions are occurring in that location, gives them points of contact and allows for a visitation where the fire department can get acquainted with the layout of the building. Jason believes additional fees and regulations are unfair. Kimberly Keaton, owner of Stardust Motel, has issues with the language in the ordinance that exceeds the health and safety aspect. Ron Neimi stated business licensing is not unusual. What is unusual is the additional inspection language. It seems like an overreach. The fire chief should be informed of a new business, but the rest seems punitive. Further explanation given on process by the fire chief. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; and and Cooper Aye. Carried.

Discuss Letter from Citizen Jeremy Watterson re: Liquor License Fees (Action Item) – Council member Lien disclosed she is on the liquor license for the Elks. Council member Cooper stated he is a party to a party that has a liquor license. Mayor Mogensen referenced the letter received by Mr. Watterson regarding liquor license fees. Council member Cooper stated legal was asked to review it. Ben Allen, city attorney, explained the city received a letter from Mr. Watterson stating he had been improperly charged, overcharged, and was due a refund. Legal reviewed Mr. Watterson’s request and found the language could be cleared up, but under the allowance at the state level, the city has not been overcharging. A letter has been prepared, and can be sent to Mr. Watterson, if that is the direction the city would like to take. Legal would suggest making modification to the statute to provide more clarity to the applicants. Also, to synchronize those fees that are allowed under Idaho Code, and modifications to the form itself. Mr. Allen suggested that these changes become effective for 2025. Council member Shaffer made a motion to send said letter to Mr. Watterson in response to his inquiry. Seconded by council member Mattila. Mattila Aye; Lien Aye; Shaffer Aye; and Cooper Aye

Discuss Liquor License Ordinance Amendments - (Action Item) – Ben Allen stated his office has been working on a preliminary draft to bring the city code into compliance with that which is allowed under state code. He can have a draft ready by next council meeting. Council member Cooper made a motion to table. Seconded by council member Shaffer. Mattila Aye; Lien Aye; Shaffer Aye; and Cooper Aye. Carried.

Discuss revisions to Public Records Request Processes – (Action Item) – The city clerk explained that every month her office receives a public records request for council meeting materials and planning and zoning materials. They are the same requests, but different dates. She asked that the council consider compiling those requests in a calendar year and allow them to charge after they have exhausted the 2 hours/100 pages. The Mayor stated it has come to the point where it is taking a lot of the taxpayers’ money and a lot of the clerks’ time fulfilling these requests. Council member Cooper ask the clerk if the packets are posted on the website. She stated they are starting to post the packets. The city will also start using a company called textmygov this Fall, which allows announcements to be texted to citizens that have signed up.

Mr. Allen stated the clerk had reached out to him regarding the aggregation of similar requests. Idaho Code does have a statute. The statute is 74-102.11 that allows for the aggregation of public records requests that are similar in nature in a certain period of time. More explanation given. Mr. Allen suggested that if the council is going to allow the clerk to aggregate certain requests that a time limit be added, i.e. all requests in a calendar year. For public transparency, the clerk has begun moving forward to identify the types of materials that are public record and putting them out there to the public ahead of time.

Council member Shaffer made a motion to have the city clerk set up the standards and parameters for the public records request process knowing hours and charges and when they all come into play. Mr. Allen clarified that the city clerk would like the authority to aggregate similar requests. Mr. Shaffer replied “that too”. Mr. Allen further stated that the structure for payment of fees for records has already been implemented by the city. The clerk did not want to make the decision to aggregate those unilaterally. She would like that directive to come from the council. Seconded by council member Mattila. Council member Shaffer stated he fully supports the public record request process and it’s great for transparency, but we have to be aware of the limited labor we have at city hall. Discussion on what the city can charge. Mattila Aye; Lien Aye; Shaffer Aye; and Cooper Aye. Carried.

Property line issue with lots on Olive Street - (*Action Item*) – Ryder Gauteraux addressed the council. He stated he owns lots on Olive Street. He is having issues with neighbors putting items on his property, so he would like to build a fence. He “marked out this fence” and believes the city is encroaching on his property. He met with Kevin McGuire, the surveyor hired by the city, and showed him where all the pins. He then went on to state, “I’m under the assumption that he thinks all the pins are in the same place I do”. Mr. Gauteraux asked what the city would like to do? Mayor Mogensen said the city is waiting on the results from the surveyor. Mr. Gauteraux stated it’s obviously encroaching on his property, whether it be 65’ or 85’, so he proposed that the city rent that property for three months at \$300 a month. Mayor Mogensen stated the city would need to wait for the survey before entering into an agreement, and asked if Mr. Gauteraux had something from his surveyor? Mr. Gauteraux responded “yes” and gave background on where the pins are placed. Council member Mattila asked Mr. Gauteraux if he had a survey done for this matter and he responded “no, the pins are already in the ground.” Further discussion held on the placement of pins. Council member Shaffer stated he wants it to be right for Mr. Gauteraux and the city. Further discussion held on renting the property and a timeline to address the situation. Mr. Gauteraux has called 811 to start building his fence on Thursday and would like a resolution. Council member Mattila stated that he would not build a fence if his property lines were in question. More discussion held on a timeline for the survey.

Attorney, Ben Allen, stated he had a question for Mr. Gauteraux based upon his request. “The photographs provided indicate an estimated corner for where you intend to place your fence. That estimated corner appears to project through what is currently being used as a public right-of-way. Have you surveyed/identified the location of that corner pin where you intend to place your fence?” Mr. Gauteraux stated, “no, I have not.” He went on to state that the fence is to be inside the property line by “quite away.”


Council member Mattila made a motion to not do anything until the city is given the results of the survey from whoever was hired to do the survey. Council member Cooper asked if the motion could be amended to include relaying to the surveyor a sense of urgency? Council member Mattila agreed. Council member Shaffer suggested that as a result of that a meeting be arranged with Ryder and our city engineer immediately and not stall it. Council member Mattila agreed. Council member Cooper stated a motion does not need to be made to set up that meeting. Council member Shaffer replied “ok”. Mr. Gauteraux also stated he was willing to meet in person or by phone. Seconded by Shaffer. Council member Mattila asked Mr. Gauteraux if he could hold off building “that part of the fence that is on the road”? Mr. Gauteraux replied, “yes, with that solution...”. Mr. Allen stated the city has already communicated a sense of urgency. The timeline in which a surveyor actually came out to the location and spoke to Mr. Gauteraux far exceeds the timeline. Mr. McGuire made it known that he does not work on these timelines, and made an exception for the city. Roll Call. Matrisciano Aye; Mattila Aye; Lien Aye; Shaffer Aye; Bisconer; and Cooper Aye.

Consider rental agreement for public address system - (*Action Item*) – The city received a grant for a PA system. The clerk will speak with Paige Olsen, the director of SVEDC. She brought this grant to the city and has an idea of what PA system needs to be ordered. Mr. Allen stated the grant has been tentatively awarded but in order to finalize the grant, USDA wants to see a proposed rental agreement. Which would provide sufficient surety that those using the equipment were to damage/destroy they would be responsible and a sufficient rental charge would be attached. The money collected could be used to replace the equipment. USDA has given the money to the city upfront and they want to know the program can survive beyond the life of the original equipment. Discussion held on rental rate. Council member Cooper foresees

one group renting it for a year and the subletting it to other groups. Discussion held on modifying the agreement in the future. Council member Cooper made a motion to accept the rental agreement. Seconded by council member Shaffer. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; and Cooper Aye. Carried.

Council member Cooper made a motion to adjourn. Seconded by Shaffer. All in favor. Carried.

ATTEST:



Kristina Larson
City Clerk/Treasurer



Lynn Mogensen
Mayor