

REGULAR COUNCIL MEETING  
WALLACE, IDAHO  
September 11, 2024

Council President Bisconer 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, Michele Bisconer and Dean Cooper.

**Flag Salute**

**Consent Agenda**

Council member Lien made a motion to approve the minutes of the August 14, 2024 regular meeting, August 21, 2024 executive session and August 21, 2024 special meeting. Seconded by council member Shaffer. Council member Mattila made a motion to approve accounts payable for August in the amount of \$114,839.60, transfers and the advanced payroll September. Seconded by council member Lien. All in favor. Carried.

**Reports**

**Mayor:**

No report provided.

**Sheriff:**

Council member Bisconer read the Sheriff's report submitted by Sheriff Lindsey stating that during the month of August 2024 the Shoshone County Sheriff's Department was dispatched to 133 calls for service within the city of Wallace. A report was attached. Council member Shaffer made a motion to accept the report. Seconded by Council member Lien. All in favor. Carried.

**Fire:**

Council member Shaffer read the Fire report submitted by Fire Chief John Miller stating that Shoshone County Fire District One personnel responded 21 times for medical emergencies and 4 fire response in Wallace August 2024. Silver Valley doors will be serving the bay doors. The department will be hosting their 9/11 stair climb. Council member Lien made the motion to approve the Fire report as submitted and read. Seconded by Council member Shaffer. All in favor. Carried.

**Street:**

Council member Bisconer reported she was present at 6<sup>th</sup> St. bridge to showcase the project with ITD. ITD conducted a tour showing projects in North Idaho. Apollo, contractor for the 6<sup>th</sup> St. Bridge, is projecting to be done before the end of November. She then went over the spreadsheet tracking the Arpa money and reminded the council that projects need to be approved by the end of this year. Projects that were previously approved are repairs to storm drains, notification software and buckets for loader and skid steer. The city is still pursuing a contractor to fix the boiler, and a ramp for the pool. The city is in the process of repairing certain manhole covers. This will be paid out of the sewer fund. Potholes on 2<sup>nd</sup> street were repaired by McGillivray's. The city was contacted by ITD regarding our last stop light. The light needs upgraded. Options were given and the council would like to proceed with the upgrade, but keep close to what is in place.

**Finance:**

Council member Cooper read the Finance report submitted stating that the General fund has \$1,135,977.00; Street \$80,575.10; Library \$-41,754.75; Parks & Rec. \$-65,285.08; Insurance \$-30511.48; Sewer \$; USDA

\$50.00 for a total of \$1,401,178.29. Savings \$34,508.75, Mt. West CD \$210,879.10, Wallace Inn UDAG CD \$205,758.38. Council member Shaffer made a motion to approve the finance report as submitted and read. Seconded by Council member Mattila. All in favor. Carried.

**Library:**

A report was submitted by the librarian. The library had 413 patrons visit the library during the month of August. The summer reading was a success. Council member Mattila said there will be a library meeting tomorrow at the library basement at 4:00 pm.

**Parks and Recreation:**

Council member Lien reported 4420 patrons visited the pool this summer. The number was down from last year probably due to the boiler issue. Moanna will return next year as the pool manager. She submitted a list of things to fix, which included chipping paint and concrete on the deck, boiler repair, installation of ramp and repair to inside pool lift. The visitor center is having the moss on the roof removed.

**Business:**

**Approval of Idaho Certified Local Government Grant for Shoshone County Courthouse – Colleen Rosson (*Action Item*)** – Ms. Rosson was present. She went over the contract and what pages need to be executed. Council member Cooper made a motion to authorize the Mayor to sign where indicated and move forward. Seconded by council member Shaffer. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried.

**Consider street closure for Elks Round Up Parade/September 21<sup>st</sup> - (*Action Item*)** – Bridget Hojem was present. The Elks is requesting a “street pause” September 21<sup>st</sup> at 2:00 pm for their parade. They do have insurance. The route was confirmed. Council member Lien stated she is an officer of the Elks and has no financial gain. Council member Mattila made a motion to approve the street closure. Seconded by council member Lien. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried.

**Installation of bike rack on sidewalk at 220 Sixth – Ryan Smith (*Action Item*)** – No one was present. Council member Shaffer asked how far this would protrude onto the sidewalk? Council member Lien stated that if it does not impede the sidewalk, it would be a great addition. Council member Shaffer would like the size clarified. Further discussion held. Ben Allen, city attorney, interjected that according to code when someone wants to permanently place a structure or object on a sidewalk or a public right-of-way, they need approval. He went on to state the city should reach out to the applicant and ask for the approximate distance away from the outer edge of the building he intends to place this for purposes of pedestrian movements. Council member Shaffer made a motion to table this item until more information is gathered about the bike rack. Seconded by council member Mattila. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried.

**Consider Business Registration Ordinance 2024-03 - (*Action Item*)** – Council member Bisconer stated there have been two public workshops on this ordinance. The language regarding the building inspection has been removed. A clause was added to take into consideration a business that had multiple vendors. The fees will be addressed in a resolution. Further comments. Council member Lien stated that at 110.06 (B) “Inspection of Premises” “...any other designated agent of the City, to inspect the facilities of any business location...” seems over reaching. It seems like another way of saying the city can designate the building inspector. Council member Mattila stated the city has been talking about this ordinance a lot. The

council has heard public input and it's time to move forward. Council member Shaffer agreed with council member Mattila. Council member Cooper stated he is happy with how the ordinance addresses multiple vendors and one entity owning a couple of different interest could be consolidated. Mr. Allen stated the council has been given an ordinance with the tracked changes, so there is no confusion about what sections are being changed.

Council member Shaffer made a motion to read Ordinance 2024-03 by title only. Seconded by council member Mattila. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried. Council president Bisconer read the title. AN ORDINANCE OF THE CITY OF WALLACE, A MUNICIPAL CORPORATION PURSUANT TO THE LAWS OF THE STATE OF IDAHO, REPEALING THE CURRENT WALLACE CITY CODE, TITLE 11, CHAPTER 110, "GENERAL LICENSING AND PERMITS," AND REPLACING THE SAME IN ENTIRETY WITH A NEW WALLACE CITY CODE, TITLE 11, CHAPTER 110, TO BE TITLED "BUSINESS REGISTRATION." THIS ORDINANCE IDENTIFIES THE PURPOSE AND APPLICABILITY OF THE CODE; REQUIRES BUSINESSES WITHIN THE CITY TO REGISTER; OUTLINES AN REGISTRATION PROCESS, ALLOWS REGISTRATION FEES TO BE ASSESSED, AND EXEMPTS CERTAIN BUSINESSES FROM REGISTRATION AND/OR FEES; ENABLES PUBLIC AGENTS TO CONDUCT INSPECTIONS OF PREMISES; REQUIRES BUSINESSES TO DISPLAY THEIR REGISTRATION; PROHIBITS TRANSFERS OF REGISTRATIONS; REQUIRES BUSINESSES TO UPDATE THE CITY WHEN SIGNIFICANT BUSINESS CHANGES OCCUR; OBLIGATES MULTIPLE BUSINESSES OR INDIVIDUALS CONDUCTING BUSINESS AT MULTIPLE LOCATIONS TO REGISTER SEPARATELY; REQUIRES BUSINESSES TO COMPLY WITH APPLICABLE LAWS; ALLOWS FOR THE SUSPENSION OR REVOCATION OF REGISTRATION; PROVIDES AN APPEAL PROCESS; SETS CRIMINAL PENALTIES; DECLARES THE ORDINANCE SEVERABLE WHILE REPEALS CONFLICTING CODE PROVISIONS; AND SETS AN EFFECTIVE DATE UPON PASSAGE AND PUBLIATION. Council member Cooper made a motion to suspend the rule that requires the ordinance be read on three separate occasions. Council member Shaffer seconded it. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried. Council member Bisconer made a motion that Ordinance 2024-03 be passed by being read by title only. Seconded by Council member Shaffer. Roll Call. Mattila Aye; Lien Nye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried. Council member Lien stated she voted no because of the inspection process.

**Update on property line issue with lots on Olive St. owned by Ryder Gauteraux – Kevin McGuire, Northwood Surveying, LLC - (*Action Item*)** – Kevin McGuire was present. He stated he submitted a letter to the city. The letter is attached hereto as Exhibit A. Mr. McGuire went over items outlined in this letter. Mr. McGuire met with Chris Pfahl and he agreed that the monuments in error should be replaced. It is true that the paved asphalt of the street encroaches onto the private lots but to an extent that Mr. Gauteraux thought. According to Mr. Gauteraux he believed the asphalt went approximately 26 feet into this lots, but it's closer to 12 feet. Mr. McGuire went over the maps attached to Exhibit A. Council member asked if the findings would show if traffic would be impeded? Mr. McGuire stated that would be a legal question because there are probably underlying prescriptive easements. Conversation held on the blue

stripes vs. the red stripes on the map provided by Mr. McGuire. Mr. McGuire stated the proposed resolution would be to remove the seven monuments set by Chris Pfahl, set new monuments in the correct location, along with a few additional monuments to define the specific lots in question, and draft and file a record of survey with Shoshone County to make it official. Mr. McGuire went on to state that Mr. Pfahl's monuments are out of position by 4 feet to 16 feet based on the rotation. Mr. Cooper asked if other surveys have relied on those monuments? Mr. McGuire said they have and went on to give details. Further discussion held. Council member Mattila made a motion to allow Mr. McGuire to place the pins in the proper locations. Seconded by council member Lien. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried. Mr. Allen, city attorney, stated he would like to see the pins place and a record of survey recorded before the city contemplates what next, or what additional action maybe necessary in order to preserve the right-of-way access which has been previously and historically used. Council member asked Mr. McGuire if Mr. Gauteraux is in possession of this information. He replied not that he is aware of, but when he started the survey he met Mr. Gauteraux up at the property so he could hear what information he was relying on and why he thought the line was where it was.

**Consider Resolution 2024- 2018 “A Resolution of the City of Wallace Adopting a Title VI Plan” - (*Action Item*)** – Council member Bisconer read the resolution. Council member Cooper made a motion to pass resolution 2024-218. Seconded by council member Shaffer. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried.

**Appointment of Adam Guthrie to Planning and Zoning and Historical Preservation - (*Action Item*)** – Council member Bisconer read the letter submitted by Mr. Guthrie. On behalf of the Mayor, council member Bisconer put Mr. Guthrie's name before council for appointment to planning and zoning. Council member Cooper made a motion to approve Mr. Guthrie's appointment. Seconded by council member Mattila. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried.

**Approval of contract with JUB for comprehensive plan - (*Action Item*)** – Council member Bisconer summarized the different phases on the contract. Council member thanked P&Z for all their work on this. Council member Lien made a motion to approve the contract with JUB. Seconded by council member Cooper. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried.

**Workshop to consider update with Shoshone County Sheriff Contract - (*Action Item*)** – Lance Stutzke, Undersheriff for Shoshone County addressed the council. He stated the contract with the city is set to expire at the end of the month. They would like to keep the contract in place and be a part of the community. They would like to do another 5-year contract with yearly increases. Captain Green went over costs associated with having a deputy and the proposed numbers for the 5-year contract. Further discussion held. Council member Cooper suggested a subcommittee be formed and a meeting be set up with the sheriff's office. It was decided council member Cooper and council member Mattila would represent the city. Council member Shaffer made a motion to have council member Cooper and Mattila get together with the sheriff's office and prosecutor's office to work out an agreement. Seconded by council member Lien. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried.

**Executive Session pursuant to IC 74-206(1)(f): to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. (*Action Item*)** – Council member Cooper made a motion to enter into executive session at 6:35 pm. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye;

Bisconer Aye and Cooper Aye. Carried. Council member Cooper made a motion to exit executive session at 7:13. Roll Call. Mattila Aye; Lien Aye; Shaffer Aye; Bisconer Aye and Cooper Aye. Carried.

Council member Shaffer made a motion to adjourn at 7:13. Seconded by council member Bisconer. All in favor. Carried.

ATTEST:



Kristina Larson  
City Clerk/Treasurer



Lynn Mogensen  
Mayor