**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, APRIL 13, 2021**

**7:00 PM**

Call to Order

Prayer – Tony Hancock

Pledge of Allegiance

**ACTION ITEM - Consider** **Approval of the Agenda**

**Dan Wilson made the motion to approve of the Agenda, seconded by Bonnie Hill, all voted aye, motion carried.**

**ACTION ITEM - CONSENT AGENDA**

The following business items may be approved by one motion and a vote. If any one member of the Council so desires, any matter listed can be moved to a separate agenda item.

1. **Council Minutes** – March 2021
2. **Accounts Payable** – April 2021
3. **Noncommercial License-** Samantha Passmore, 4 Dogs
4. **Business License-** Downey Storage, Storage Units

**Bonnie Hill made the motion to approve of the Agenda, seconded by Grant Johnson, all voted aye, motion carried.**

**Law Enforcement**

No business to discuss at this time.

The City Council expressed their gratitude towards the Bannock County Sheriff’s department.

**ACTION ITEM- Consider approval of Permission to Enter Premises to Perform Work in the Nine Mile Area Coordinating with Portneuf Soil and Water Conservation District**

PORTNEUF SOIL & WATER CONSERVATION DISTRICT PERMISSION TO ENTER PREMISES AND PERFORM WORK PERMISSION TO ENTER PREMISES TO PERFORM EVALUATION

I/We Mayor Rex Nielsen hereby grant permission for personnel of the Portneuf Soil & Water Conservation District and IDL personnel to enter my/our property located at Nine Mile Area and assess the property for participation in the Cottonwood Valley Restoration Project during the period of April 14, 2021- April 1, 2022. If the Portneuf Soil & Water Conservation District and undersigned landowner determine that the property is appropriate for inclusion in the Cottonwood Valley Restoration Project, the Permission to Enter Premises and Perform Work section of this document (below) will be executed before any work is performed. DATED - April 13, 2021.

City of Downey**- LANDOWNER**

Portneuf Soil & Water Conservation District -**LANDOWNER PERMISSION TO ENTER**

**PREMISES AND PERFORM WORK**

Having been advised by the Portneuf Soil & Water Conservation District as to what should be done on our property to comply with the program and being in agreement with what has been proposed, I/we grant permission to Portneuf Soil & Water Conservation District personnel or its authorized agents to enter our property identified above for purposes of performing the work agreed upon. Furthermore, maintenance of completed project for 10 years has been clearly explained and I/We will perform to the best of our ability those requirements as outlined in the plan of work. As landowners we understand and acknowledge that this project does not guarantee that structures or property will be free from damage or destruction in a fire. We further understand that while the Portneuf Soil & Water Conservation District or its authorized agents will make every effort to adhere to the agreed upon work plan, there may be damage to trees and shrubs that were not part of the original work plan. I/we hereby release and waive any liability against the Portneuf Soil & Water Conservation District, its employees and agents for said damage if it was caused during their good faith efforts to comply with the work plan. The Portneuf Soil & Water Conservation District acknowledges and agrees that it has assumed the sole obligation and duty to provide a safe workplace for its employees on the landowner's property and agrees that landowner has no responsibility, therefore. The Portneuf Soil & Water Conservation District agrees to defend, indemnify, and hold harmless landowner from and against all claims, losses, liability and suits for injury or damages which may be brought by employees or contractors of the Portneuf Soil & Water Conservation District or its subcontractors against the landowner, except for claims, losses, suits, or damages resulting from or arising out of the sole negligence or willful misconduct of landowner. DATED -April 13, 2021

\_\_Tony Hancock\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LANDOWNER

 \_\_Rex Nielsen\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LANDOWNER

Portneuf Soil & Water Conservation District

**Bonnie Hill made the motion to approve, giving Permission to Enter Premises to Perform Work in the Nine Mile Area Coordinating with Portneuf Soil and Water Conservation District, seconded by Gary Barnes, all voted aye, motion carried**.

**ACTION ITEM – Consider approval of Arbor Day Celebration Refreshments**

**Arbor Day Celebration**

April 24, 2021

@ 11 a.m.

Henderson Park

Refreshments will be a packaged cookie with a small bottle of water. Total cost will be around $67.00.

The City Council expressed their gratitude towards Mel and Margie Hansen and Melissa Huber for their service in our community.

**Grant Johnson made the motion to approve Sixty-seven dollars for Arbor Day Celebration Refreshments, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM- Consider approval of a Weekend Festival on June 25 and 26, 2021, Located at The Downey City Park and Baseball Field**

**Report presented in by Melissa Bowman and Melissa Workman**

**The following information has been provided by Melissa Bowman-**

**Downey Festival June 25th and 26th**

The general idea of the Downey Festival is to have music provided by local bands, while others relax, listen to music, promote their businesses, and donate to one of three causes. This event is to empower our community and the people living in it.

It will Allow local bands to show us their skills.

Allow cooks to show us their skills.

Allow businesses to get their name out in the public.

Festival type camping around the music will allow relaxation and fun.

Roasting hot dogs and marshmallows in the existing fire pit also

A community fun run to raise funds for one of three great causes.

Inexpensive Entertainment, Relaxation, and fun for our community

We are doing this to help the community thrive.

Downey needs this.

What will it accomplish?

Foster local small businesses and help them thrive.

Entertainment to the community.

Bring something fun to town with everything being so negative lately.

The convenient stores will get more business.

Why we need to do this:

The community wants it to happen.

People need social interaction, not over a video conference.

We need some fun!

Downey has a lot of wonderful people that have a lot to offer. Let’s allow them the opportunity to show us what they’ve got!

What we will be sure to do to keep this event perfect:

Community service clean-up Before and After.

Wrist bans for any alcohol consumption.

Covid: Social Distancing, hand sanitizer, Masks, Disclaimer.

Liability Insurance

Parking

Bannock County Sheriff will get to use that contract we carry with them (just to make sure everyone is being safe and smart.)

**Dan Wilson made the motion to approve of a Weekend Festival on June 25 and 26, 2021, Located at The Downey City Park and Baseball Field, seconded by Bonnie Hill, all voted aye, motion carried.**

**ACTION ITEM- Consider approval of Eldon Truck Wrecker, a Commercial Semi Wrecking Yard in the Manufacturing District Located at Third South and Main Street,**

**Parcel: RPRDDOW033900, LOTS 9-10-11, BLOCK 76**

Elden with Elden Trucking discuss the details of his business. Elden would like to purchase property in which to store wrecked semis. Elden would erect a six-foot chain-link fence, one foot within the property line with barbed wire on the top of it. He would also install a light on the property.

The wrecking company owns several lots in locations such as Bear Lake and Logan, Utah. He reassured the council the company has not had any problems with nearby neighbors in either location. Elden expressed, he has been looking for property and this property would fit their companies needs. The storage of the trucks would be short term, as soon as he is paid by the insurance company or by the owner of the truck, they release the vehicle. Elden also expressed to the Council that the property is not a junk yard.

Elden runs a family-owned business with his sons Lance and Ryan. He lives in Providence Utah, if there were any problems, he could take care of it quickly. Elden also explained he erects the chained link fence to keep theft problems at a minimum.

Elden was willing to work with the City Council and wait for the next City Council meeting for a decision.

The City Council would like to address the next-door neighbor before moving ahead.

**Bonnie Hill made to table, Eldon Truck Wrecker, a Commercial Semi Wrecking Yard in the Manufacturing District Located at Third South and Main Street, Parcel: RPRDDOW033900, LOTS 9-10-11, BLOCK 76, until next month.**

**seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM- Consider approval of Updating the Lease Agreement with Rocky Mountain Competitive Solutions for Office Copy Machine**

New lease Agreement- Fixed rate of $88.00 a month, included in the agreement is 2,800 BW copies and 1,000 CLR copies anything additional would be charged as an overage.

**Dan Wilson made the motion to approve of Updating the Lease Agreement with Rocky Mountain Competitive Solutions for Office Copy Machine,**

**seconded by Bonnie Hill, all voted aye, motion carried.**

**ACTION ITEM- Consider approval of a $1,000 Donation from Rocky Mountain Power Company as a Contribution to the Downey Splash Pad and a Handicap Swing to Benefit the Community**

City Clerk, Selena Guthrie reported:

Timothy L. Solomon, Regional Business Manager at Rocky Mountain Power/PacifiCorp has worked with the City staff and would like to contribute a $1,000 donation to the Downey Splash pad and hopefully a Handicap Swing to benefit the community.

**Bonnie Hill made the motion to approve of a $1,000 Donation from Rocky Mountain Power Company as a contribution to the Downey Splash Pad and a Handicap Swing to Benefit the Community, seconded by Dan Wilson all voted aye, motion carried.**

**ACTION ITEM- Consider approval the Proclamation proclaiming April 10 – 16, 2021 as the Week of the Young Child in Downey, Idaho, and encourage all citizens to work to support and invest in early childhood in Downey**: Mayor Nielsen read the following Proclamation:

# Proclamation by Mayor/Local Government Entityfor Week of the Young Child™

WHEREAS, the *City of Downey*, in conjunction with the Idaho Association for the Education of Young Children (Idaho AEYC) is celebrating the 50th Anniversary of the Week of the Young Child™, April 10-16, 2021; and

WHEREAS, this organization is working to promote and inspire high-quality early childhood experiences for our state’s youngest citizens, that can provide a foundation of learning and success for children in Downey, Idaho; and

WHEREAS, teachers and others who work with or on behalf of young children birth through age eight, who make a difference in the lives of young children in Downey deserve thanks and recognition; and

WHEREAS, public policies that support early learning for all young children are crucial to young children’s futures and to the prosperity of our society;

NOW, THEREFORE, I, Rex Nielsen, *Mayor* of the City of Downey, do hereby proclaim April 10-16, 2021 as the Week of the Young Child™ in Downey, ID and encourage all citizens to work to support and invest in early childhood in Downey.

**Grant Johnson made the motion to approve the Proclamation proclaiming.**

 **April 10 – 16, 2021 as the Week of the Young Child in Downey, Idaho, and encourage all citizens to work to support and invest in early childhood in Downey, seconded by Dan Wilson all voted aye, motion carried.**

**ACTION ITEM- Consider approval of a Budget Hearing Date**

The Budget Hearing Date is Scheduled for Tuesday, August 24, 2021 @ 7p.m.

**Dan Wilson made the motion to approve of a Budget Hearing Date as Tuesday, August 24, 2021 @ 7 p.m., seconded by Bonnie Hill all voted aye, motion carried.**

**ACTION ITEM- Consider approval of** **Idaho Building Code**

Additional Information is needed before Action can be taken.

**Dan Wilson made the motion to table Amending the City of Downey’s Building code and adopting the Idaho Building Code, seconded by Grant Johnson all voted aye, motion carried.**

**DISCUSSION ITEM- Financial Opportunities for the City of Downey**

**Excused from the discussion- Mayor Rex Nielsen and Grant Johnson**

The City Council has reviewed the financial opportunities and would like the City Clerk to split $500,000 into three different Financial Institutions: Ireland Bank, Idaho State Investment Pool, and Idaho Central Credit Union.

The City Clerk will organize this and present it to the City Council for approval as an action item and then by resolution.

**DISCUSSION ITEM- City of Downey’s Law Contract with Bannock County Sheriff Department**

Bannock County Sheriff’s Department proposal for the City of Downey over

the next three years.

DOWNEY

|  |  |
| --- | --- |
| 190180170160140130 120110100 | Actual Vs. Contracted Hours (2015-2020)Month & Year Actual Contracted |

Contracted vs. Actual Usage (2020) $22/hr. x 1,390.8 contracted hrs. $30,597.60.

 $22/hr. x 1,677.5 actual hrs. $36,905.00

Current Services

* Enforce State of Idaho Laws - 24 Hour Service from BCSO
* Investigate Crimes - Patrol Time
* Issue Citations

**Proposed Rate with Projected Hours**

**$42.89/hr. l x 1655.48 projected hrs.2 = $71 ,002.64**

Proposed Services

- Existing Contract Services

1 Proposed Per Hour Cost is based on hourly cost of officer, vehicle, and total maintenance + labor on vehicle. 2 Projected hours are based on annual trend model created from 2015-2020 data.

Burdened by this proposal the Downey City Council is researching several options regarding new law enforcement avenues.

Options discussed.

1. Obtaining a quote from Oneida County
2. Speaking with the Cities of Arimo and McCammon for Joint law enforcement.
3. Also, requests have been submitted to Bannock County for further investigation on this situation.

Further discussion will take place next City Council Meeting.

**DISCUSSION ITEM-** **Nuisance Ordinance**

Discussion on the following items have taken place.

**Chapter 1**

**NUISANCES**

**ARTICLE A. GENERAL NUISANCES**

SECTION:

3-1A-1: General Definition

~~3-1A-2: Barbed Wire And Electric Fences~~

31A-3: Deposits Of Injurious Materials On Thoroughfares

3-1A-1: GENERAL DEFINITION: A “nuisance” is defined as anything that is injurious to the health or morals, or indecent or offensive to the senses, or an obstruction to the free use property so as to interfere with the comfortable enjoyment of life or property. (2010 Code)

~~3-1A-2:~~  ~~BARBED WIRE AND ELECTRIC FENCES: It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or razor wire (2010 Code)~~

3-1A-3: DEPOSITS OF INJURIOUS MATERIALS ON THOROUGHFARES: It shall be unlawful for any person to deposit, place, or allow to remain in or upon any public thoroughfare any material or substance injurious to persons or property. (2010 Code)

CHAPTER 1

NUISANCES

**ARTICLE B. WEED AND WASTE MATTER ABATEMENT**

SECTION:

3-1B-1: Nuisances Prohibited

3-1B-2: Public Nuisances Designated

3-1B-3: Nuisance Abatement Notice

3-1B-4: Serving Abatement Notice

3-1B-5: Appeal Procedure

3-1B-6: Removal Of Nuisance: Time Limit:

3-1B-7: Failure To Abate; Remedial Action

3-1B-8: Abatement By City; Assessment Of Costs

3-1B-1: **NUISANCES PROHIBITED:** No owner of any lot, place or area within the city, or occupant or person in control of same, shall permit on such lot, place or area, or upon any street, alleyway, sidewalk or public right of way abutting the same, a public nuisance to exist, as herein defined and found to exist by the ~~fire chief or his authorized representative, or the Bannock County sheriff or his~~ city authorized representative~~s~~. (2010 Code)

3-1B-2: **PUBLIC NUISANCES DESIGNATED:**

1. Public Nuisances Described; Vegetation, Garbage As Fire Hazard: All Weeds, dry grass, trees, shrubs and other vegetation; rubbish, garbage, trash or any material present upon the streets, sidewalks adjacent to public rights of way or upon private property within the city, which by reason of size, manner of growth or location, constitute a fire hazard to any building, improvement, crops or other property, as well as weeds and other vegetation, which by reason of promiscuous propagation are likely to cause damage to public streets, alleyway, and sidewalks or which interfere with the reasonable enjoyment by the neighbors, are declared to be a public nuisance. Accumulations of weeds, grasses, old haystacks, and other vegetation growth, which are unsightly or injurious to the public or to neighboring residents or owners of property within the city.
2. The depositing of any filth or any foul, offensive, unwholesome, nauseous, or injurious substances upon any public thoroughfare or other public place or upon any private property.
3. Throwing, sweeping, or depositing of any debris, paper, littler, glass, bottles, tin cans, nails, tacks, hoops, barbed wired, boards, trash and garbage, lighted material or other waste substances into any drain or gutters or onto any public highway, street, alley, or easement, or any public or private property, when not authorized to do so by the city or the owner of such property.

B. Exceptions; Firebreak: Regularly cultivated, mowed and useful grasses and pastures shall not be declared a public nuisance. If, however the ~~fire chief or his~~ city authorized representative determines it necessary to protect adjacent improved property from fire exposure, an adequate firebreak may be required.

C. Waste Matter Declared Nuisance: “Waste matter”, as defined in subsection D of this section, which, by reason of its location and character, is unsightly or which interferes with the reasonable enjoyment of property by the neighbors, or which would materially hamper or interfere with the prevention or suppression of fires upon the premises, or any adjoining premises, or the abatement of a nuisance as described in this section, is declared a public nuisance.

D. Waste matter Defined: “Waste matter” is defined, for the purpose of this article, as unused or discarded matter having little or no substantial market value, which is exposed to the elements and/or is not enclosed in any structure or otherwise completely concealed from public view, and which consists (without limitation or exclusive enumeration) as such matter and material as:

1. Rubble, to include asphalt, concrete, plaster, tile, dirt and/or gravel piles, unused building or mobile home foundations.
2. Rubbish, to include crated cartons, metal and glass containers, newspapers, boxes, wood shavings, PLASTICS, lumber scraps, bedding, lawn clippings, furniture, home appliances, washers, dryers, freezers, refrigerators, dilapidated outbuildings, and fragments of buildings.
3. Vehicular components, to include automotive bodies, trailers, tires, farm equipment and commercial equipment components and parts thereof. (2010 Code)
4. Articles which may be classed as junk as adjacent to or in close proximity of any private or public structure without having the same enclosed in a proper and tight building for the storage of the same.

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property is found to create a condition tending to reduce the value of private property to promote blight and deterioration, to create fire hazards, to constitute an attractive nuisance creating hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof on private or public property except as expressly hereinafter permitted is declared to constitute a public nuisance which may be abated.

Definition – An “abandoned wrecked, dismantled or imperative vehicle” or parts thereof, hereinafter call a “junk vehicle,” shall be a vehicle as defined in Section 49-123, Idaho Code, or a snowmobile or all-terrain vehicle or utility vehicle as defined in Section 67-7101, Idaho Code, or a part or parts therefrom, and which meet the following qualification:

1. It does not carry a current, valid state registration and license plates; or
2. It cannot be legally operated on highways under its own power; or
3. It does not have necessary accessory equipment including engine, brakes, headlights, brake lights, taillights, turn signals, tires, horn, windows, windshield, windshield wipers, rear view mirror, muffler, fenders, or seatbelts, or other safety equipment required by Idaho law.

Junk Vehicle Restricted. It shall be unlawful for any person or persons to maintain a junk vehicle, and/or part of vehicles thereof on residential or commercial property, private or public, exposed to public view for a period of more than thirty days, or at any time upon public street of the city.

**Removal and Disposition of Junk Vehicles.**

Notice of Remove – Any City Official, employee or authorized representative may, by means of a warning ticket, order a junk vehicle, or parts thereof, to be removed from public or private property, or code violation corrected within thirty days from the date the warning ticket is issued. The property owner may appeal with the city clerk within ten days after receipt of the notice and tickets and requesting a hearing upon the same. Said appeal shall be heard by the city council within thirty days after receipt of the notice of appeal. At such time, the property owner will be given the opportunity to be heard. The property owner shall not be required to remove said vehicle from the property during the appeal period until the decision of the council is rendered.

Impounded by City – Public Sale. If said junk vehicle, junk vehicles or parts thereof are not removed or code violation corrected within the thirty-day time period set forth in subsection above, or upon decision of the council in the event of appeal, the city may cause said junk vehicle, junk vehicles or parts thereof to be removed at the expense of the owner, and placed in an impound yard where they shall be offered for sale to the highest bidder at public auction, to be held not later than ten days after one publication and notice of such sale to be published in the office newspaper of the city. The proceeds from such sale shall be used to pay towing expenses, fees charged by the impound yard and cost associated with enforcement of this section in the event the sale of the impounded junk vehicle or parts thereof fails to produce sufficient revenue to pay the towing and impound charges, the balance will be immediately due and payable to the city by the prior owner of said junk vehicle or junk parts or the owner of the property on which the same was located. If not paid within thirty days after notice from the city, the same shall be delinquent and shall constitute a special assessment against the real property on which the junk vehicle or parts thereof were located pursuant to Section 50-334 and 50-1008, Idaho Code. Any person purchasing said junk vehicle at public auction shall not locate said vehicle within the city limits except in compliance with this section.

3-1B-3: **NUISANCE ABATEMENT NOTICE:** If it is determined by the ~~fire~~  ~~chief or his authorized agent, or the Bannock County sheriff or his~~ city authorized representative that a public nuisance, as described in this article, exists on any lot, place, or area, or upon any street, sidewalk or public right of way abutting the same, the ~~chief of the fire department or the Bannock County sheriff or an authorized agent~~  city authorized representative shall cause a notice to be issued to abate such nuisance. Such notice shall be headed “Notice To Clean Premises”; shall contain a description of the property in general terms reasonably sufficient to identify the same; shall direct the abatement of the nuisance; shall specify the penalty provision as provided herein; and shall specify the appeal process as provided herein. Such notice may be on a form prescribed by the city. (2010 Code)

3-1B-4: **SERVING ABATEMENT NOTICE:** An abatement notice may be served in the following manner:

A. Personal Service To Owner Or Occupant: By personal service on the owner of said lot, if the owner lives within the city: and by personal service on the occupant or person in charge or control of the property, if such person can be identified.

B. Registered Mail To Owner: If said owner does not live within the city, by registered mail to the owner at the address shown on the last available assessment roll, or as otherwise known; and, by personal service on the occupant or person in charge or control of the property, if such person can be identified.

C. Owner Unknown; Publication; Posting On Property:

1. Should the owner not be known or have an available address, by posting at a conspicuous place on the land or abutting a public right of way and by publication of said notice at last once a week for the period of two (2) weeks in a newspaper of general circulation in the city and by personal service on the occupant or person in charge or control of the property, if such person can be identified.
2. Said newspaper advertisement shall be a general notice that property in the city has been posted in accordance with this article and shall contain a general statement of the effect of such posting.
3. The date of such newspaper advertisements shall not be considered in computing the appeal periods provided by this article. (2010 Code)

3-1B-5: **APPEAL PROCEDURE:** Withing ten (10) days from the date of posting, mailing or serving an individual an abatement notice, the owner or person occupying or controlling such lot, place or area affected may appeal to the city council. Such appeal shall be in writing and shall be filed with the city clerk-treasurer. At the regular meeting, or recessed meeting of the city council, not less than ten (10) days nor more than twenty-six (26) days thereafter, the city council shall proceed to hear and pass upon such appeal, and the decision of the city council thereupon shall be final and conclusive, (2010 Code)

3-1B-5: **APPEAL PROCEDURE:** Withing ten (10) days from the date of posting, mailing or serving an individual an abatement notice, the owner or person occupying or controlling such lot, place or area affected may appeal to the city council. Such appeal shall be in writing and shall be filed with the city clerk-treasurer. At the regular meeting, or recessed meeting of the city council, not less than ten (10) days nor more than twenty-six (26) days thereafter, the city council shall proceed to hear and pass upon such appeal, and the decision of the city council thereupon shall be final and conclusive, (2010 Code)

3-1B-6: **REMOVAL OF NUISANCE; TIME LIMIT:** It shall be the duty of the owner or person occupying or controlling any lot, place or area in the city which has been declared a public nuisance as provided in this article, within ten (10) days from the date of notification as provided in this article, or in case of an appeal to the city council, within ten (10) days from the determination thereof, unless the same is sustained, to remove the nuisance as stated. (2010 Code)

3-1B-7: **FAILURE TO ABATE; REMEDIAL ACTION:** Failure to abate the stated nuisance shall be a misdemeanor. The provisions of this article are not exclusive remedies, and the city may invoke all remedies, civil and criminal, provided for abatement of nuisances. (2010 Code)

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

3-1B-8: **ABATEMENT BY CITY; ASSESSMENT OF COSTS:**

1. Abatement: Upon the failure to abate a stated nuisance within the time limits provided for in this article, the city may remove the same, doing whatever is necessary to accomplish the abatement, cleanup, removal and related work.

CHAPTER 2

**TOXIC OR HAZARDOUS CHEMICALS**

SECTION:

3-2-1: Transporting Toxic or Hazardous Chemicals

3-2-2: Storage Of Chemicals

3-2-3: Failure To Remove; Impoundment By City

3-2-4: Violation; Fine

3-2-1: **TRANSPORTING TOXIC OR HAZARDOUS CHEMICALS:** It shall be unlawful for any person, firm or corporation to allow vehicles carrying or transporting toxic or hazardous chemicals or any agricultural chemicals or empty containers, which chemicals are to be or may have been used for commercial spray application, to be parked within the city limits for any length of time; provided, however, that such vehicles may be parked at the Downey airport, but only if such containers are closed and not easily opened. (2010 Code)

3-2-2: **STORAGE OF CHEMICALS:** It shall further be unlawful for any person, firm or corporation to allow any agricultural chemical containers greater than 2 ½ gallons which are used for commercial applications to be placed or stored within the city, unless such containers are stored at the Downey airport. (2010 Code)

3-2-3: **FAILURE TO REMOVE; IMPOUNDMENT BY CITY:** Any person, firm or corporation who violates the provisions of this chapter and shall fail to remove such vehicle when requested shall have such vehicle removed by wrecker or other appropriate means to a place outside the city limits ~~or to the Downey airport~~ at the owner’s expense. The vehicle shall be impounded by the city until the owner shall pay all of the costs incurred by the city in the removal of such vehicle. (2010 Code)

3-2-4: **VIOLATION; FINE:** Any person, firm or corporation failing to comply with the provisions of this chapter shall, upon conviction thereof, be fined, in addition to having the vehicle removed as set forth in section 3-2-3 of this chapter, a fine as provided in section 1-4-1 of this code ~~for each parking violation. Each parking violation shall be deemed to be a separate offense, and a separate penalty shall be assessed for each violation.~~ (2010 Code)

**Comments from the audience on Agenda items only**

Discussion with the audience pertaining to the Wrecking Company and The Bannock County Law Contract.

**REPORTS**

**Tony Hancock**

Spring Flow is currently at 245 gpm.

The following tasks have been completed: Tony and Matt have fertilized the city parks, cleaned out the cities shallow, water drains by the roadside, updated the signs in town, purchased 270 tons of gravel for road chipping, and blown out the cracks in the road and thanks to the Downey Swan lake Hwy District they can finish crack sealing Main street.

Bathrooms will be open soon; Tony wants to wait until the weather gets warner before opening the bathrooms full time.

Tony is working with an individual who needs 100 hours of community service. He has this individual fencing and pulling weeds for weed control.

DEQ has completed the seepage tests on the city sewer ponds.

Both Tony and Matt have successfully completed their water training for the year.

**Selena Guthrie**

The City of Downey has received an Arbor Day Grant for $300. Tony is going to purchase trees for the Arbor Day Celebration with the proceeds.

Kylie and Selena will be attending the AIC Training in Pocatello on April 29, 2021. The Office will be closed that day. The Utility Billing will have to be closed out and sent out early on April 28, 2021.

Kylie is doing a wonderful job as the new assistant clerk. Selena loves working with her. She is learning fast and works hard.

Selena thanked everyone for their understanding when the office had to be shut down due to covid. Kylie stepped up and Selena tried to return the favor. Rex checked in on the wealth fare of the office staff and the progress in the office. The office staff tried to stay on schedule and as they were out, the progress continued and the closing of the month was completed on time.

Selena reported the airport and canal fees were sent out. Post cards reminding residence of the upcoming Dog Licenses were sent out as well.

Quarterly reports are due this month.

**Gary Barnes**

Gary thanked everybody, the council, Mayor, and the office staff, maintain staff and the people in the audience. We appreciate the patrons. Our staff is the very best. They do an outstanding job for our community.

**Bonnie Hill**

Bonnie thanked the group organizing the Downey Festival for hosting the event.

Bonnie thanked the Downey City Staff.

Bonnie is working with the Bannock County on an emergency plan. She is in hopes that the City of Downey can and will succeed removing the floodplain and organize a well-planned emergency plan.

The City Clerk is going to investigate a program called CODE RED. Its an emergency program that is designed to contact residence in case of an emergency.

**Daniel Wilson**

With a gratitude Daniel thanked the audience for their input, thanked the Hansen’s for organizing the Arbor Day Celebration and expressed his appreciation towards the City staff.

Daniel also expressed his gratitude towards the person responsible for cleaning up the nuisance on Hwy 91.

**Grant Johnson**

Grant expressed to the audience that the City Council is trying to make the best decisions for our community. They try their best.

Grant expressed his appreciation towards the audience and the City staff. He appreciates their efforts.

**Mayor Nielsen**

Mayor Nielsen reports that the Nuisance on the Hwy is cleaned up and he appreciates the efforts with the cleanup.

Mayor Rex Nielsen is happy to report there is a large dumpster at the Lothrop home and cleanup is under way.

Mayor Nielsen also expressed his appreciation towards the City staff and the City Council members for all the do.

Mayor Nielsen believes Downey is headed in the right direction.

**ACTION ITEM – Adjournment: Dan Wilson moved to adjourn.**

**at 9:08 p.m., seconded by Bonnie Hill, all voted aye, motion carried.**

 **APPROVED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Rex Nielsen, Mayor**

**Attest\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Selena Guthrie, City Clerk**