**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, JANUARY 12, 2021**

**7:00 PM**

**ATTENDANCE:** - Mayor Rex Nielsen, Grant Johnson, Gary Barnes, Dan Wilson, Bonnie Hill, Tony Hancock, Selena Guthrie, Jennifer Cooper

**PATRONS-** Barbara Hill. Louise Cummings, Marcia Nielsen, Alex Chizewsky, Clayton Hulet, Tony McClain, and Officer Fullmer

**CALL TO ORDER:** **Mayor Nielsen called the meeting to order and welcomed those attending the meeting.**

Grant Johnson offered the invocation and led the group in the Pledge of Allegiance.

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

Bonnie Hill made the motion to approve the Agenda, seconded by Gary Barnes, 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 – December 8, 2020**
2. **Accounts Payable – January 2021**
3. **Business Licenses- Whispering Pines and Cosmo by Camryn Mcquivey**

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

**Law Enforcement**

**Notes**-

-Bannock County Sheriff’s Department had nothing to address at this meeting.

- Mayor Rex Nielsen thanked the Sheriff’s department for all they do for our community.

**ACTION ITEM – Consider approval of a Proclamation Recognizing Brenda Kay as City Clerk/ Treasurer**

*P R O C L A M A T I O N BRENDA KAY CITY CLERK AND TREASURER Whereas, Brenda Kay served as the City Clerk and Treasurer for the City of Downey from March 31, 2001 to December 15, 2020; and Whereas, Brenda Kay has demonstrated her commitment to and knowledge of the Office of City Clerk and Treasurer during her tenure; and Whereas, Brenda Kay was an intricate participant in the city water project; and Whereas, Brenda Kay faithfully served under four (4) mayors – Eugene Webb, Ralph Riser, Dennis Phillips and Rex Nielsen; and Whereas, Brenda Kay was an active member of the Association of Idaho Cities representing the City of Downey. Now, therefore, I, Rex Nielsen, Mayor of the City of Downey do hereby proclaim December 8, 2020 as Brenda Kay day in the city. I encourage all citizens to thank Brenda for her dedication to the City of Downey. Dated this 8th day of December 2020.*

*Rex Nielsen, Mayor*

 **Gary Barnes made the motion to approve the Proclamation Recognizing Brenda Kay as City Clerk/ Treasurer, seconded by Dan Wilson, all voted aye, motion carried.**

**DISCUSSION ITEM-** **Ireland Bank presenting options for the City of Downey Funds at Ireland Bank**

Marcia Nielsen thanked the City Council for the opportunity to represent Ireland Bank at the Downey City Council meeting. She explained how Ireland Bank can help our community out because of the local deposits. Marcia is also willing to help assist the City in any way she can.

Ireland Bank has CD options for 6 to 36 months with different rate values based on the amounts given for the transaction.

Ireland Bank reps answered questions from the City Council such as rates, amounts and penalties for early withdrawals.

Marcia Nielsen and Tony McClain are scheduled to contact the City Clerk for more information on penalties and information on an account called Cedars.

**ACTION ITEM- Consider approval of Amending the Livestock Ordinance**

*The Council reviewed the Ordinance. The following changes and/or additions will be recommended to the City Attorney:*

 *1. The minimum area livestock are required to have is one-half (1/2) acre FENCED per large animal over 200 lbs., such as a Horse or Cow. Small animals are required to have one-half (1/2) acre FENCED per two animals; such as 2 sheep or 2 goats. Said fence must be adequate in preventing the animal from trespassing upon the property of others or annoying or chasing other persons.*

*2. No more than 10 fowl will be allowed per residence.*

*3. No Roosters, male goats, bulls or stud horses will be allowed.*

*4. Temporary Permit upon written application by a property owner within the City Council may issue a temporary grazing permit to allow livestock to graze within the City limits for a period of time set by the Council but not to exceed ~~six (6) months~~ one (1) year. The member of livestock to be allowed shall be determined by the City Council. The applicant shall set forth in his or her application the reasons why he or she believes the temporary permit should be granted.*

*4‑3A‑3: EXISTING USES:*

*Any person who heretofore has kept livestock within the city limits shall have the right to continue to do so; provided, however, that should any such landowner or city resident fail to exercise his rights to keep such animals for a period of ~~six (6) months~~ one (1) year or more, such existing use shall be deemed forfeited and future harboring of livestock shall require the permit as set forth herein. Provided further, however, that for those types of livestock which traditionally are seasonally pastured at places other than within the city limits, such ~~six (6) month~~ one (1) year time limitation shall be tolled during the period when said livestock are being pastured seasonally elsewhere. (2010 Code)*

**ACTION ITEM- Consider approval of Amending the Animal Control Ordinances**

The Council reviewed the Ordinance. The following changes and/or additions will be recommended to the City Attorney:

*4‑3‑4: COMMERCIAL KENNEL LICENSING AND REQUIREMENTS:*

*A. License Required; Compliance: An owner of a commercial kennel shall obtain a commercial kennel license according to the terms specified in this section. A maximum of five (5) dogs will be allowed per residence. A Commercial Kennel license must be renewed and reviewed annually by the City Council. No person may own or harbor a pit bull breed of dog.*

*B. Use and Premises Requirements; Payment Of License Fee:*

*1. Commercial kennel licenses shall be issued only when the use of the premises upon which the kennel is located conforms with zoning statutes and ordinances adopted by the city.*

*2. When the premises are in conformity with applicable zoning requirements and regulations, a commercial kennel license shall be issued upon payment of the fees specified in section 4‑3‑3 of this chapter, and shall be in lieu of individual dog licenses.*

*C. License Nontransferable; Annual Renewal: Commercial kennel licenses shall not be transferable, and shall be subject to annual renewal and reviewal by the City Council as specified in section 4‑3‑3 of this chapter.*

*D. Maintenance Of Animals: All dogs covered by a kennel license shall be maintained and kept within the kennel or under leash. (2010 Code)*

*E. Permit Requirements: Permission of Adjacent property owners: That permission of seventy-five percent (75%) of neighbors within four hundred foot (400) radius of the place where the animals are to be kept is obtained by the Applicant and written confirmation of the permission is presented to the city council.* *Signatures of nearby property owners will be required on ~~an annual basis~~ an initial license application ~~before a Commercial License may be renewed~~; however, a Commercial Kennel License must be renewed annually in order for City Council to review such license to determine if all requirements have been met to maintain such license and if complaints by neighbors justify a hearing to revoke such license.*

*4‑3‑5: NONCOMMERCIAL KENNEL LICENSING AND REQUIREMENTS:*

1. *License Required; Compliance: The owner of a noncommercial kennel shall obtain a noncommercial kennel license from the Downey city office according to the terms specified in this section. A maximum of five (5) dogs will be allowed per residence. A noncommercial kennel license must be renewed and reviewed annually by the City Council. No person may own or harbor a pit bull breed of dog.*

*B. Application For License; Information Required: The application for a noncommercial kennel license shall include the name and address of the owner and the number of dogs to be kept.*

*C. Payment Of Dog License Fees: In addition to the above requirements, a noncommercial kennel licensee shall pay all individual license fees required in section 4‑3‑3 of this chapter.*

*D. License Nontransferable; Annual Renewal: Noncommercial kennel licenses shall not be transferable, and shall be subject to annual renewal and reviewal by City Council as specified in subsection 4‑3‑3E of this chapter.*

*E. PERMIT REQUIREMENTS: Permission of Adjacent property owners: That permission of seventy-five percent (75%) of neighbors within four hundred foot (400) radius of the place where the animals are to be kept is obtained by the Applicant and written confirmation of the permission is presented to the city council Signatures of nearby property owners will be required on ~~an annual basis~~ an initial license application ~~before a Noncommercial Kennel License may be renewed~~; however, a Noncommercial Kennel License must be renewed annually in order for City Council to review such license to determine if all requirements have been met to maintain such license and if complaints by neighbors justify a hearing to revoke such license.*

**ACTION ITEM-** **Consider approval of Nuisance Ordinance**

The Council reviewed the Ordinance. The following changes and/or additions will be recommended to the City Attorney:

*CHAPTER 1*

*NUISANCES*

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

*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, 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 and sidewalks or which interfere with the reasonable enjoyment by the neighbors, are declared to be 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 not 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)*

*3-1B-3:* ***NUISANCE ABATEMENT NOTICE:*** *If it is determined by the ~~fire~~  ~~chief or his authorized agent, or the Bannock County sheriff or~~ city authorized representative ~~his 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)*

*CHAPTER 2*

***TOXIC OR HAZARDOUS CHEMICALS***

*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. (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)*

**ACTION ITEM-** **Consider approval of Utility Deposit Ordinance**

*CHAPTER 1*

***WATER SERVICE RATES AND REGULATIONS***

*SECTION:*

*7-1- 1: Application For Service: Deposit Required*

*7-1- 2: Water Rate Billings; Payments; Delinquencies*

*7-1- 3: Hookup Fee Reduction For Certain Businesses*

*7-1- 4: Right Of Access For Inspection*

*7-1- 5: Service Connection Requirements; Applications*

*7-1- 6: Irrigation Water Regulations*

*7-1- 7: Turn Off By City For Repairs Or Extensions; Precautions*

*7-1- 8: Water Meters*

*7-1- 9: Abandoned Service Installations; Disconnection*

*7-1-10: Prohibited Acts*

*7-1-11: Violations; Penalties*

*7-1-1:* ***APPLICATION FOR SERVICE; DEPOSIT REQUIRED:***

1. *Monthly Payments: Payment for all water used by any users of water from the waterworks system owned and operated by the city shall be made monthly and shall be paid upon receipt of a water bill from the city.*
2. *Application For Service; Information Required: Any person desiring to be supplied with water from the city waterworks system shall make an application in writing. The application shall state:*
3. *The name and address of the applicant;*
4. *The purpose for which water service is requested;*
5. *A description of the premises or building;*
6. *Whether the applicant is the owner of said premises or building or a tenant or occupant under contract; and*

*5. An acceptance by such applicant of this chapter and the rules and regulations which may be prescribed by the city relating to water service or distribution.*

1. *Security Deposit Required; Exception:*
2. *A security deposit shall be required, by the applicant, of double the current utility bill, for each residence, building or lot and shall be deposited with the city clerk-treasurer.*

*2. This ~~water~~ security deposit for new applicants, excepting tenants, shall be returned one year from the date of deposit, provided the applicant has not been late on any payment, and all payments are current. If payments are not current, deposit may be applied to any past due payment. A water deposit made by a tenant shall not be returned until tenant vacates premises where he or she resides.*

*3. However, no such security deposit shall be required of any tenant, lessee or occupant under contract if such person shall present with his application for water service a guarantee of the owner or agent of the premises, in such form as provided for by the city.*

*4. The city may apply a security deposit to a past due account without prior notice to the water user. (2010 Code)*

*7-1-2:* ***WATER RATE BILLINGS; PAYMENTS; DELINQUENCIES:***

1. *General Billing: There shall be a minimum charge per month, to be set by the council, for the use of water from any outlet for any property. This charge shall be made for each and every month while the water is turned on for use at such outlet for such property or the occupant or user therefrom, until such water is ordered or requested shut off, or unless otherwise shut off by the city as herein provided, whether any water is used through such outlet for such property or consumer or not.*
2. *Due Date: All payments for water shall be due and payable on or before the expiration of the month following the use of the water. All payments for water shall be made at the Downey city office to the city clerk-treasurer.*
3. *Turn Off For Nonpayment:*

Gary Barnes made the motion to approve the Utility Deposit Ordinance, seconded by Grant Johnson, all voted aye, motion carried.

**ACTION ITEM-** **Consider approval of Resolution Designating Records Custodian and Alternate for the City of Downey**

***Resolution #2021-01***

*RESOLUTION DESIGNATING RECORDS CUSTDIAN AND ALTERNATE FOR THE CITY OF DOWNEY.*

*WHEREAS, Senate Bill 1274 requires Idaho Cities to designate records custodians and Alternates to help members of the public who want to request public records; and*

*WHEREAS, Senate Bill 1274 takes effect July 1, 2018*

*NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Downey, Idaho, as follows:*

*The City Clerk is designated as the primary records custodian for the City of Downey for all City departments.*

*The City Clerk Assistant is designated as the alternate records custodian for the City of Downey for all City departments.*

*If your City relies on the County Sheriff for law enforcement, mention that the County Sheriff Records Clerk is responsible for handling law enforcement related records request. >*

*APPROVED by the City Council on the Twelfth day of January 2021.*

**Gary Barnes made the motion to approve the Resolution Designating Records Custodian and Alternate for the City of Downey, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM- Consider approval of swearing in of Selena Guthrie, City Clerk/ Treasurer as the new System for Award Management (SAM) representative for the City of Downey**

Bonnie Hill made the motion to approve the of swearing in Selena Guthrie, City Clerk/ Treasurer as the new System for Award Management (SAM) representative for the City of Downey, seconded by Grant Johnson, all voted aye, motion carried.

**ACTION ITEM- Consider approval of 2021 Office and Council Schedule**

**January-March**

* Nuisance Ordinance
* Livestock
* Animal Control
* Utility Ordinance
* Funding Options

**April- October**

* City Budget and Office Management
* Livestock Permit Review- May

**November- December**

* Ordinances
* Personel Policy
* Building Ordinance
* Noncommercial Kennel License Review- November
* Business Licenses

**Bonnie Hill made the motion to approve the 2021 Office and Council Schedule, seconded by Grant Johnson, all voted aye, motion carried.**

**Comments from the audience**

No Comments currently at this time.

**REPORTS**

**Tony Hancock**

Tony Hancock reported the Spring is flowing at 78 and the Nine Mile spring is currently at 190. The snowpack is 16 inches.

Tony and Matt have several projects they are working on to befit the City of Downey, such as a new handmade bench and something special for the splash pad.

Christmas decorations are taken down and put away.

**Selena Guthrie**

**Audit-** The 2019-2020 audit will be here at the end of the month. I will be sending this years out after I receive the audit report.

**Codification-** Our Codifier has an option for hosting our ordinances online.

**State Funding Option-** In your packet I have the information about the State Investing Pool. Please read and study up on the information for next month. I will have a representative here for City Council Meeting, either in person or on Zoom.

**Software Program-** The Software program is up and running. I am excited about moving forward with it.

**Cares Act-** We have the TV up and going, the storage is on its way and the Meter Reading Program is still processing.

**Thank you-** Rex for all he does, Matt and Tony for always helping, I will miss Brenda. I loved her as a co-worker and as a dear friend. Jennifer is wonderful. I’m loving working with her. She stepped up and helped with the Ordinances and I am extremely grateful.

**Bonnie Hill**

Bonnie Hill thanked the employees for all they do. Their efforts are greatly appreciated.

Bonnie Hill reported she has been working with Bannock County Emergency Services Manager and asked if the Clerks could add the survey in the newsletters for February.

The Assistant clerk also add the survey online at downeyidaho.us.

**Daniel Wilson**

Dan Wilson thanked Selena Guthrie and Jennifer Cooper for all the extra time they have committed to the City of Downey.

Dan Wilson also thanked Tony Hancock and Matt Henderson for all they do. Their efforts are appreciated.

**Grant Johnson**

Grant Johnson thanked the employees for all their time they have put in.

Grant reported the Preston Airport is shutting down.

Grant asked about the storage container at 186 South First East. Tony Reported the Storage Container is temporary

**Mayor Nielsen**

Rex Nielsen thanked Selena Guthrie and Jennifer Cooper.

Rex Nielsen also thanked Tony Hancock and Matt Henderson for all their efforts.

Rex Nielsen reported the Office Door will be open soon.

Rex Nielsen reported a breakthrough on the mess on the Hwy. We have found and contacted family members to help clean up and take care of the Remainder of the bill owed

Rex Nielsen reported that Sallie Lothrop has asked for an extension on the Cleanup efforts at 413 North Main. She is planning on Cleaning up the rest of the house as soon as Spring arrives.

Rex Nielsen reported the Grain Growers has been purchased. He is hoping for good things to come.

**ACTION ITEM** - Adjournment

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

**APPROVED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Rex Nielsen, Mayor**

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

 **Selena Guthrie, City Clerk**