**MINUTES**

**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, APRIL 9, 2019**

**7:00 P.M.**

**ATTENDANCE:** Gary Barnes, Grant Johnson, Rex Nielsen, Dan Wilson, Mayor Dennis

Phillips, Brenda Kay and Tony Hancock.

**Patrons:** Officer Taysom, from the Bannock County Sheriff’s Department, Barbara and

Bonnie Hill, Judy Rae Anderson, Blair Morrison, Aurelia, and John Riggins from Bannock Development Corporation.

**CALL TO ORDER:** Mayor Phillips called the meeting to order at 7:00 p.m. and

welcomed everyone present.

Dan Wilson offered the invocation and led the group in the Pledge of Allegiance.

**READING OF AGENDA:** Mayor Phillips read the Agenda.

**ACTION ITEM – APPROVE MINUTES: Dan Wilson moved to approve the Minutes**

**of the Regular Meeting of Tuesday, March 12, 2019, seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM - APPROVE ACCOUNTS PAYABLE: Grant Johnson moved to**

**approve the Accounts Payable of April 2019, seconded by Dan Wilson, all voted aye, motion carried.**

**LAW ENFORCEMENT:** Officer Taysom reported last month he was asked about a hit

and run in Downey. They were able to find out who it was, and the person was cited. The Sheriff’s Department received several calls about a party up Right Hand. Because of the phone calls they received, they were able to go up and shut down a party prior to it starting.

Dan reported there was a truck from Utah going up Cherry Creek last weekend, so he stopped and talked to its occupants. Dan told them he wrote down their license plate number, and they told him it will come back as a registered police vehicle. To make a community work right, everyone must get involved and take off their blinders. The council thanked Officer Taysom for coming.

**COMMENTS FROM THE AUDIENCE ON AGENDA ITEMS ONLY:** No comments.

**ACTION ITEM – ANIMAL CONTROL ORDINANCE:** City Attorney, Steve Fuller

reviewed the Animal Control Ordinance with the council. The purpose of reviewing the Ordinance is to clarifysome of the questions Steve has about the changes made to the Ordinance by the City Council. Some of the clarifications included referring to livestock and animals as livestock only, changing the word adjacent to nearby, not counting livestock offspring as an additional animal unit until they are six months old, confirming fowl must be confined, not allowing male goats, changing the failure to exercise existing use rights clause from 60 days to six months, setting time frames and fines for violations and penalties and removing the “Assault Described” paragraph. The ordinance will be reviewed again once the changes have been made.

**ACTION ITEM - ALCOHOL ORDINANCE:** The council discussed allowing the bar to

be open on Sunday’s with the attorney. Steve informed the Council Sunday opening can be regulated or the council can say no, the city doesn’t want to be involved. The City can pass an ordinance that states it will be allowed for one-year. If the council determines there is a problem, such as an unusual number of DUI’s, laws broken, or an increase in some type crime, then there is a basis for saying it seems to be correlated to the bar being open on Sunday. Steve stated it is hard to go back once the door has been opened. It was not deemed to be unconstitutional to not allow a bar to be open in a case heard by the Idaho Supreme Court in 1981. Idaho Code also restricts sales during certain hours. The council will need to make the decision.

**ACTION ITEM - SHOOTING RANGE VANDALISM:** Mayor Phillips reported the

Shooting Range was vandalized. Someone did some painting. Tony reported it has been cleaned up and painted over.

**ACTION ITEM - ALCOHOL ORDINANCE:** Mayor Phillips asked the council if they

would like to discuss this item further. The council agreed they need to decide what they will allow. The clerk reported if the council decided what they want to allow, she can get it put together. Rex Nielsen stated he would like to see some conditions established if we allow the bar to be open on Sunday. Dan Wilson mentioned the problems Lava has with their bars and agreed this is the reason we need to have some conditions. Grant Johnson added at this time the bar owner seems to be handling things well, but in two years there could be a new owner. The council agreed on the following conditions: no up rise in crime, DUI’s, alcoholism, or excess police calls to the bar. The hours will be 10:00 a.m. to 1:00 a.m. All types of alcohol may be sold.

**ACTION ITEM – SPLASH PAD:** Grant Johnson reported he would like to

see a splash pad for children to play in at the park. He feels if we have family activities, it will draw families to Downey. He has checked with a few cities and Fruitland completed two splash pads for about $45,000 each, and Malad is building one with a cost of $145,000. We could have SICOG help with a grant. However, some grants require plans to be done by an engineer and Davis Bacon wages, so the cost goes up. The easiest, cleanest place to do it would be at Woodland Park, but Grant feels it should be tied in with the City Park. He feels the lumber yard would be a great area, but it is owned by the County and is also close to the bar. With a grant, we could do some matching funds. A small one could be put in near the playground. Grant has a book with some ideas. We have a website up and maybe we could take donations. The splash pad can be set up with a recirculating system, or freshwater system. If we go with a freshwater system, the water could be used to flush the sewer system. Preston also put a splash pad in, but Grant has been unable to get ahold of the person in charge of it. If we decide to put in a grant application for an ICDBG Grant, it will be due in August, with the money being awarded in November.

Grant also suggested putting in a skate park. Metal ramps could be made and put on a cement pad.

If we put in a splash pad with six jets and a pump the cost will be about $3,100, plus cement. Concrete is about $142 per cubic yard.

Tony is concerned about sand being put in the drains from the playground. Grant feels the splash pad needs to be enclosed, which might help keep the sand out of the area.

Mayor Phillips suggested doing more research on the above projects.

**ACTION ITEM – CITY OFFICE BUILDING IMPROVEMENTS:** Grant suggested a

facelift on the city building. We received a bid for about $8,600. Tony received another bid for about $8,000. Tony wants the bid he received to be put in writing.

Grant asked if Tony and Matt would be able to do the work. Tony feels if they have time, they could. The council agreed Tony and Matt have enough to do.

We will wait for another bid and go over the budget next month.

**ACTION ITEMS – BUILDING PERMIT – JOHN CUTRIGHT SHOP: Dan Wilson**

**moved to approve the Building Permit for John Cutright’s shop, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM – POSTCARD ON DOGS LICENSES AND PET CLINIC – TWO SIGNS FOR LEASH LAW:** The clerk reported Selena Guthrie would like to try sending out

postcards to remind dog owners about our Pet Clinic and licensing their dogs by May 31st. We would also like to send out another postcard reminder to those who haven’t licensed their dogs by May 31st. We would also like to put signs at both entrances to remind residents and visitors of our leash law.

**Dan Wilson moved to get the postcards for the dog licenses and pet clinics and Tony to get the signs, seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM – APPROVE BUSINESS LICENSES – WENDERELLA’S, ALL AMERICAN ROOFING, RICHARD AUSTIN CONCRETE AND CONSTRUCTION, WHISPERING PINES, BCI INSPECTIONS, AND HEALTH WEST: Rex Nielsen**

**moved to approve the above-referenced Business Licenses, seconded by Dan Wilson, all voted aye, motion carried.**

**REPORTS**

**Tony Hancock:** Tony reported on the following items.

* The spring flow coming into town is 147 gpm and there is 280 gpm turned out up Nine Mile.
* The snowpack up Nine Mile for 2019 is about 46 inches. This is the most snow ever recorded. We do not measure moisture, only snow.
* Clean up day is Saturday, May 25th.
* Matt and Tony have been getting the Spring work done. They have aerated and fertilized the parks and sweeping the intersections. The County might be bringing in a helicopter to spray weeds. We will not have to pay for the helicopter; we will only have to cover the cost of the chemicals. They would use it up Nine Mile. Tony will call in about a week to see if they are going to do it. Otherwise, they also have a big drone available for spraying for the cost of the spray only also. He will use this if the helicopter is not available. The council agreed this is a great idea.

**Brenda Kay:** Brenda reported we have the Spring District Workshop on April 22, in

Chubbuck. There will be a legislative review, budgeting, district elections and planning and zoning. It is from 9:00 a.m. to 3:00 p.m. The cost is around $35. She asked if any of the council would like to go and suggested Selena go with her, so she becomes familiar with these things. The office will need to be closed. The council agreed to have Selena go and close the office. Gary will attend and Rex will check to see if he can attend.

Craig Criddle will help with the water issue he has. Brenda has not had time to research it yet.

The County has a Comprehensive Plan Advisory Committee, and they are meeting on April 18th from 2:00 p.m. to 3:30 p.m. in McCammon. If anyone would like to attend the meeting, Brenda needs to let the County know as soon as possible. The County is re-doing their Comprehensive Plan and they want input on it. They sent a packet with information to be reviewed prior to the meeting.

We received a packet from Portneuf Soil & Water Conservation asking for funding today. Brenda read the letter from them and asked if the council would like to have it added to next month’s agenda. The council did not want to consider a donation.

Tony and Brenda talked about a few residents in the community who need to clean up property and asked if the council would like letters sent to them. The council agreed to have letters sent out asking them to clean up their property and mention the cleanup day on May 25th.

**Gary Barnes:** Gary thanked the council, city crew and community for all they do to

help. He thanked Tony, Matt, Brenda and Selena for their efforts.

**Rex Nielsen:** Rex concurred with Gary and feels Downey is a great place and he

appreciates everyone.

**Daniel Wilson:** Dan agreed. Dan asked if the city is ready for card payments. The

clerk reported Access Idaho will be training the staff, and we should be ready by the first of the month.

Dan asked about putting a sign up at the Shooting Range for vandalism. A camera was also suggested, and one has been put up. Tony reported one camera has been stolen and one blown up. The council agreed to purchase more cameras if needed.

The gun range is well used. There are people there all the time. A new sitting and standing bench have been put in at the pistol range. Tony would like to put more cement out there.

Tony will get a new sign for vandalism stating it may be closed if it continues to be vandalized.

**Grant Johnson:** Grant went to the SICOG meeting a few weeks ago in Clifton. He

reported on the things Downey is doing. They have a program to put all the information in for each home for emergency situations. It sticks on your fridge. They are looking for a group to help sponsor it. The next meeting is in three months at about 5:00 p.m. Some of the information was interesting. It helps with ideas that other communities are doing.

**Mayor Phillips:** No business.

**ACTION ITEM – ADJOURNMENT: Dan Wilson moved to adjourn at 9:41 p.m.,**

**seconded by Grant Johnson, all voted aye, motion carried.**

**APRPOVED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Dennis J. Phillips, Mayor**

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

**Brenda Kay, City Clerk**