**MINUTES**

**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, AUGUST 11, 2020**

**7:00 PM**

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

Bonnie Hill, Tony Hancock, and Brenda Kay.

**PatronS:** Dean Moser, Barbara Hill, Louise Cummings, Captain Hamilton from the

Bannock County Sheriff’s Department, Robyn Wilson, and Jessica Murray.

**Call to Order:** Mayor Nielsen called the meeting to order and welcomed

everyone.

Mayor Rex Nielsen offered the invocation and led the group in the Pledge

of Allegiance.

**ACTION ITEM - Consider Approval of the Agenda:** **Dan Wilson moved to**

**approve 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.

A.Council Minutes – July 14, 2020

July 29, 2020

B. Accounts Payable – August 2020

C. Building Permit – Kirk Price

**Bonnie Hill moved to approve the Consent Agenda for the Regular Minutes of July 14, 2020, the Special Minutes of July 29, 2020, the Accounts Payable of August 2020, and the Building Permit of Kirk Price, seconded by Grant Johnson, all voted aye, motion carried.**

**Law Enforcement:** Captain Alex Hamilton introduced himself and informed the

Mayor and Council, they can contact him anytime. He oversees the detectives and patrolmen in Bannock County. Wes Jones is the new director of emergency services in the County. Wes and Sheriff Manu want to put a Committee together in case we have a serious emergency. He asked for two different telephone numbers for both the Mayor and Tony Hancock. Wes wants to put together a list of resources available at each City. There have been a lot of changes at the Sheriff’s Department. He has been serving 20 years as a Detective. He plans to be proactive, and he will try to attend our meetings as often as he can.

Mayor Nielsen thanked Officer Hamilton for his help when we called him last week. He asked if there were arrests made?

Captain Hamilton reported he had a meeting with his supervisors last week and asked why the same names are on the reports every week. After the meeting, there were 16 felony citations and 13 misdemeanors served in the South County. He sees some changes and they are going to be proactive in the County. He asked the City to report what is going on. They have a narcotic’s team, and they will start working the south County more.

Mayor Nielsen asked if Sheriff Manu is planning to meet with the Mayors? Captain Hamilton stated he planned to come tonight, but he had something come up. He will be attending some meetings. Mayor Nielsen thanked Captain Hamilton for coming tonight.

**ACTION ITEM – Consider approval of a Business License for Queen Elizabeth Antiques (Elizabeth Mills) at 15 South Highway 91:** Mayor

Nielsen stated since Elizabeth is not present, her Business License will not be considered for approval.

The State Building Inspector came yesterday, and we told him about the building they are using. He went to visit with the owner of the building to tell them they could not have a business in the building until it was inspected.

Mayor Nielsen talked to our attorney about the yard sale. The Attorney stated what is one man’s junk is another man’s treasure. He stated we could issue a business license to sell the stuff on the highway.

It appears someone may be living in the building because there are lights on at night. It seems to be a business, not a yard sale, as they are bringing things in to sell.

It was suggested doing a desist and seize, so the owner stops selling their stuff until they do what they need to do to get a business license.

Mayor Nielsen asked who is going to go down there and tell them. The Clerk reported the officers who came down last week said they would go down and tell them to stop selling. Mayor Nielsen thought we could call Captain Hamilton and ask him if he could send an officer to the business and tell them to stop selling the stuff.

Dan Wilson called the State and asked if it is a liability having their stuff out near the road. They said it could be, but they were not sure where the property line is. They suggested if the City issues a business license, we make sure they keep all their stuff and the vehicles that stop to look at their stuff on their property and not on City or State property. Mayor Nielsen stated we could do that as a condition, along with the condition the building is inspected.

Mayor Nielsen stated since Elizabeth is not here to tell us her plans, we will not issue a license.

**ACTION ITEM - Consider approval of renting the Community Center Office to Jessica Murray and a Business License for Marsh Valley Insurance (Jessica Murray) at 21 South Main:** Mayor Nielsen asked

Jessica to address the Council. Jessica reported she would like to rent the office for insurance sales. Eighty percent of her business will be done by phone and twenty percent in the office. They want to write policies for the entire valley and make it a personable experience.

Mayor asked how long she would like to rent. She thought maybe one year to start with. She would like to start September 1st. The utilities are tied into the City Office building. It was suggested she do the cleaning as part of the agreement.

The size would be about the same as the Beauty Shop. Grant suggested about $100 per month for rent.

**Dan Wilson moved to rent the Community Center Office to Jessica Murray and to issue a Business License for Marsh Valley Insurance to Jessica Murray, at 21 South Main, with $100 per month rent, seconded by Bonnie Hill, all voted aye, motion carried.**

**ACTION ITEM –** **Consider approval of Community Center and City Office Building Signs:** Tony presented pictures of the proposed signs. The

Community Center sign will be rectangle and will be put on the south side of the building since there will be a business on the east side. The cost is $810 per sign with Blaze Sign. The bid through Signs and Graphics is roughly $350 per sign. Both companies said the signs start fading after about seven years. They are made of aluminum facing and backing, with a piece of poly down the middle. Both companies would use the same materials. Tony is unsure why there is such a big price difference. Both companies are in Pocatello.

**Grant Johnson moved to accept the bid from Signs and Graphics for $672.04 for two signs, seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM - Consider approval of a Fall Cleanup Day: October 17th.** Tony reported last year we had three dumpsters brought in for

cleanup day. PSI gives us one free dumpster and transports it. The City pays for the other two dumpsters.

**Gary Barnes moved to approve a Fall Cleanup Day on October 17, 2020, with three dumpsters, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of Kelly Fly’s Livestock Permit for 30 racing pigeons:** Mayor Nielsen reported we talked to the Attorney about

this matter and asked Brenda to explain what the Attorney said. Brenda stated our old Livestock Ordinance did not address fowl or birds, so the attorney suggested we approve the Permit. If it were to go to Court, the City would probably lose because Kelly was not required to have a permit under the old Ordinance. Kelly already had the pigeons when the new Ordinance was approved.

G**rant Johnson moved to approve Kelly Fly’s Livestock Permit for 30 racing pigeons, seconded by Bonnie Hill; Bonnie Hill, Gary Barnes, and Grant Johnson, voted aye, motion carried. Dan Wilson abstained.**

**ACTION ITEM – Consider approval of purchasing city letterhead and business cards for the Mayor, Council, and employees:** Bonnie

Hill reported she feels the bid we received for letterhead and business cards is too expensive.

Costco Business Printing has 500 cards for $21.99, without tax. Bonnie feels everyone should be represented as a representative of Downey. She believes the business cards are needed because this is a business, and everyone should be able to hand out business cards to the people one networks with. The cost of the stationery $99, but she cannot remember the quantity. She asked what our cost is per colored copy on the copy machine is. Brenda thinks it is about $.06 per page, but she will need to check. Bonnie suggested we might be able to purchase a better-quality paper and print our own letterhead. She believes anything going out of the office should be on letterhead, and the Clerk reported this is already being done.

Dan Wilson suggested the Mayor, Tony and Brenda have business cards, but he does not think the Council needs business cards. Gary suggested purchasing generic, City of Downey business cards, be purchased for the Council.

**Gary Barnes moved to approve the purchasing of letterhead and business cards for the Mayor, Council, and employees, seconded by Bonnie Hill, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of Non-Commercial Kennel Licenses for Dean Moser and Erik Yeates:** Dean Moser added four more

signatures for his Non-Commercial Kennel License. He stated this is not an easy process to get signatures. He had to stop by some homes seven or eight times. Mayor Nielsen expressed appreciation to Dean for completing the process.

**Bonnie Hill moved to approve the Non-Commercial Kennel Licenses for Dean Moser and Erik Yeates, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of action to be taken to repair the damage to the north entrance fence:** Bonnie Hill reported

she checked with the Claim Adjuster at Progressive Insurance on our claim to repair the fence. The adjuster informed Bonnie there was no policy in place at the time of the accident, so they are not going to pay to have it repaired. Bonnie provided the Council with a copy of the police report, wherein it states Sonja Lowenthal had insurance. As of January 1, in Idaho, one is required to have coverage. We need to have the fence fixed and wondered if we want to bill it back to Sonja.

The Council asked if Sonja has been contacted about it. Brenda reported a letter was sent to her after the accident asking her if she wanted to pay for the damage or have it submitted to her insurance. She did not respond, so the claim was submitted to her insurance company.

After some discussion, the council agreed to talk to Sonja about paying for the damage to the fence.

**Bonnie Hill moved that the Mayor and a representative of the Sheriff’s Department visit Sonja Lowenthal about the cost of repairing the north entrance fence, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM - Consider approval of the City of Downey Personnel Policy, the City of Downey Vehicle Use Policy, and the City of Downey Information Systems Policy:** Mayor Nielsen asked if everyone

had the opportunity to read the policies. Dan Wilson stated he has read some of it, but he has not had a chance to go through it. He would like more time to go through it. Bonnie Hill reported it came from ICRMP. The information added for the Mayor was based on the old Personnel Policy. It was incorporated into the new policy. Gary and Grant were able to read through most of it. It will be put on the Agenda in two weeks.

**ACTION ITEM – Consider approval of the Tentative Budget for the fiscal year 2020-21:**

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| --- | --- | --- |
| **CITY OF DOWNEY** |  |  |
| **TENTATIVE BUDGET FY 2020-21** | | |
|  |  |  |
| **Account Title** |  | **2020-21 BUDGET** |
|  |  |  |
| **General Fund Revenue:** |  |  |
| Balance Brought Forward |  | $31,000 |
| Bannock County Taxes |  | 97,531 |
| Bannock County Tort |  | 10,525 |
| Park Tax Receipts |  | 6,074 |
| Personal Property Tax Replacement - General |  | 2,631 |
| Personal Property Tax Replacement - Tort |  | 250 |
| Personal Property Tax Replacement - Park |  | 164 |
| Business & Beer Licenses |  | 800 |
| Building Permits |  | 4,000 |
| Dig Permits |  |  |
| Dog Licenses |  | 1,000 |
| Fines |  |  |
| Tree Grants |  |  |
| State Liquor Dispensory |  | 24,950 |
| County Revenue Sharing |  | 0 |
| State Tax Revenue Sharing |  | 40,000 |
| Airport Fees |  | 360 |
| Airport Grant Receipts |  |  |
| Miscellaneous |  | 2,500 |
| History Book Receipts |  |  |
| Franchise Fee |  | 500 |
| Rental |  | 2,300 |
| Community Center Rental |  | 1,000 |
| RV Park Grant |  |  |
| RV Park Rental |  | 2,500 |
| Park Grant Receipts |  |  |
| Shooting Range Grants/Donations |  | 350 |
| Interest Income - Ireland Bank Checking |  | 200 |
|  |  |  |
| **Total General Fund Revenue** |  | **$228,635** |
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| **General Fund Expenses:** |  |  |
| **Wages & Benefits** |  |  |
|  |  |  |
| **Total Wages & Benefits** |  | **$107,745** |
|  |  |  |
| **Other Expenses:** |  |  |
| Election Expense |  | $250 |
| Building Maintenance |  | 3,750 |
| Community Center |  | 6,150 |
| Office Supply |  | 2,000 |
| Advertisement & Publications |  | 2,500 |
| Insurance |  | 10,681 |
| Travel Expense |  | 3,000 |
| Dues & Membership |  | 1,100 |
| Utilities - Telephone |  | 3,740 |
| Utilities - Rocky Mountain Power |  | 1,600 |
| Utilities - Furnace Oil & Propane |  | 3,000 |
| Miscellaneous |  | 4,000 |
| History Book Expense |  |  |
| Tree Projects |  |  |
| Audit |  | 6,500 |
| Legal Services |  | 4,000 |
| Police Contract |  | 30,514 |
| Contracted Services |  | 7,000 |
| Building Permits |  | 4,000 |
| Flood Plain |  | 1,500 |
| Airport Expenses |  | 3,800 |
| Airport Grant Expense |  |  |
| Park |  | 6,000 |
| RV Park Grant Expense |  |  |
| RV Park Expense |  | 1,000 |
| Park Grant Expense |  |  |
| Shooting Range Grant Expense |  | 350 |
| Drug Testing |  | 200 |
| Christmas Lighting |  | 1,500 |
| New City/Community Building |  | 3,287 |
| Capital Outlay |  | 9,118 |
| Forested Land Tax |  | 350 |
|  |  |  |
| **Total Other Expenses** |  | **$120,890** |
|  |  |  |
| **Total General Fund Expenses** |  | **$228,635** |
| **Road Fund Revenue:** |  |  |
| Balance Brought Forward |  | $30,000 |
| Bannock County Taxes |  | 37,286 |
| Personal Property Tax Replacement - Road |  | 1,001 |
| Highway Users Revenue |  | 18,864 |
| New Highway User's Revenue |  | 5,842 |
| State Tax Revenue Sharing |  | 5,000 |
| Road & Bridge |  | 3,500 |
| Grant Receipts |  |  |
|  |  |  |
| **Total Road Fund Revenue** |  | **$101,493** |
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| **Road Fund Expenses:** |  |  |
| **Wages & Benefits** |  |  |
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| **Total Wages & Benefits** |  | **$35,402** |
|  |  |  |
| **Other Expenses:** |  |  |
| Operations & Maintenance |  | 9,000 |
| Road Chipping Expense |  | 25,000 |
| Lights - New Street Lights |  | 1,700 |
| Lights - Old Street Lights |  | 8,000 |
| Fuel |  | 4,000 |
| New City/Community Building |  | 3,287 |
| Capital Outlay |  | 15,104 |
| Road Grant Expense |  |  |
|  |  |  |
| **Total Other Expenses** |  | **$66,091** |
|  |  |  |
| **Total Road Fund Expenses** |  | **$101,493** |
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| **Water Fund Revenue:** |  |  |
| Balance Forward |  |  |
| Water Sales |  | $150,000 |
| Canal Water |  | 1,000 |
| New Connection |  | 3,000 |
| Miscellaneous |  | 500 |
| Grant Receipts |  |  |
| Interest Income - Water Reserve |  |  |
| **Total Water Fund Revenue** |  | **$154,500** |
| **Water Fund Expenses:** |  |  |  |
| **Wages & Benefits** |  |  |
|  |  |  |
| **Total Wages & Benefits** |  | **$43,921** |
|  |  |  |
| **Other Expenses:** |  |  |
| Operations & Maintenance |  | $10,000 |
| New Connections |  | 3,000 |
| Engineers |  |  |
| Fuel |  | 2,500 |
| Canal |  | 2,000 |
| Pump - 100 HP |  | 6,000 |
| Pump - 40 HP |  | 2,000 |
| Chlorinator |  | 3,000 |
| Water Tests |  | 2,000 |
| Grant Expenses |  |  |
| New City/Community Building |  | 3,287 |
| Capital Outlay |  | 229 |
| USDA Loan Payment |  | 76,563 |
| USDA Loan Interest |  |  |
|  |  |  |
| **Total Other Expenses** |  | **$110,579** |
|  |  |  |
| **Total Water Fund Expenses** |  | **$154,500** |
|  |  |  |
| **Sewer Fund Revenue:** |  |  |
| Balance Forward |  | $12,000 |
| Supplies |  |  |
| Collections |  | 55,000 |
| New Connections |  | 2,000 |
| Miscellaneous |  |  |
| Interest Income - Sewer Reserve |  |  |
|  |  |  |
| **Total Sewer Fund Revenue** |  | **$69,000** |
|  |  |  |
| **Sewer Fund Expenses:** |  |  |
| **Wages & Benefits** |  |  |
|  |  |  |
| **Total Wages & Benefits** |  | **$35,252** |
|  |  |  |
| **Other Expenses:** |  |  |
| Operations & Maintenance |  | $19,000 |
| Miscellaneous |  | 900 |
| New Connections |  | 2,000 |
| Fuel |  | 1,500 |
| Pump |  | 225 |
| New City/Community Building |  | 3,287 |
| Sewer line project for fair building |  |  |
| Capital Outlay |  | 6,836 |
|  |  |  |
| **Total Other Expenses** |  | **$33,748** |
|  |  |  |
| **Total Sewer Fund Expenses** |  | **$69,000** |
|  |  |  |
| **Garbage Fund Revenue:** |  |  |
| Balance Brought Forward |  | $5,000 |
| Collections |  | 43,000 |
| Miscellaneous |  |  |
|  |  |  |
| **Total Garbage Fund Revenue** |  | **$48,000** |
|  |  |  |
| **Garbage Fund Expenses:** |  |  |
| Miscellaneous |  | $1,150 |
| PSI |  | 46,850 |
| Capital Outlay |  |  |
|  |  |  |
| **Total Garbage Fund Expenses** |  | **$48,000** |
|  |  |  |
| **TOTAL BUDGET** |  | **$601,628** |
|  |  |  |

Tony reported he checked with another engineer on the seepage test for the

lagoons. One quote for the test was $13,900. The other quote came in at $10,000, but when Tony mentioned it was high, they came down to $8,000. There are only a few engineers who do the test. Since the cost of the test could be a little higher, the sewer fund balance forward and O & M expense was increased $2,000 to make sure of adequate funding for the seepage test. The total budget will be $601,628.

Brenda reported the 1.5% property tax increase, it will leave a forgone amount. This year, to reserve the foregone amount, we need to approve a resolution. This requires a public hearing. The council agreed to hold a public hearing on the foregone amount remaining. It will be held the same date as the budget hearing.

**Bonnie Hill moved to approve the Tentative Budget for the FY2020-21 in the amount of $601,628, seconded by Dan Wilson, all voted aye, motion carried.**

**Comments from the Audience on Agenda Items Only:** There were

no comments.

**REPORTS**

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

* The springs are flowing at 342 gpm, which is still good for this time of year, but it is down. This is causing us to run the well a little bit. It has been running two to three times per week, which is not bad. Some years, it has run every day. It has faulted out once. Tony and Matt must watch it closely and the telemetry system helps with that. It usually pumps 340,000 gallons when it comes on. The day it had faulted it pumped 420,000 gallons.
* Tony and Matt Henderson will be patching the south entry railroad tracks next Tuesday. They are working with the railroad on it.
* They are working up Nine Mile on the fencing and a few things.
* All the yearly water testing is finished, as far as he knows. He will double check with DEQ. They still must do the monthly tests. The City received a waiver from DEQ on some of the testing, which will save us money.

Mayor Nielsen told Tony he does a good job.

**Brenda Kay:** Brenda reported September 23 through 25, AIC is doing a virtual

training. It is $125, which the City covers. She has talked to Selena about it. If anyone is interested, please let Brenda know.

Brenda reported after a lot of thought, she has decided to retire November 30, 2020, and turned in her letter of resignation to Mayor Nielsen.

**Gary Barnes:** Gary thanked the audience for their presence. He thanked the staff.

There is a never ending project going on with helping the people in the community, and it is greatly appreciated and the good reports given are much appreciated by him knowing our people are doing an outstanding job in taking care of the needs here. He thanked everyone on the Council and the Mayor

**Bonnie Hill:** Bonnie thanked the employees for what they do.

**Daniel Wilson:** Dan thanked the crew and staff for everything they do. He thanked

Brenda for all she does.

He stated in listening to Officer Hamilton, it sounds like the Sheriff’s Department is willing to help. There is a lot of stuff going on at night. There was a lot going on the other night. There was screaming and yelling, and he called the police. Dan feels citizens need to call in more. It was 11:00 p.m. the other night. At midnight the person who was yelling and screaming came back again. He shined his flashlight on the person, and she said she was the high commander. Louise Cummings had someone knock on her door that night and leave. Dan called dispatch at 12:30 and then he went driving around. If citizens call in and the Sheriff’s Department is called, maybe some of it will stop. We need to step up and do something. A lot of it is happening around 3:00 a.m. on Fourth East. We can report this to the Sheriff’s Department.

Dan stated they have a few people who are doing neighborhood watch at random times. He will not tell anyone who is out watching. If residents want to help with the neighborhood watch, Dan will put them on the schedule.

**Grant Johnson:** Grant asked if we heard any more on the airport meeting. Brenda

reported Selena received an email stating they were on the meeting for an hour, but we did not connect. Apparently, they had the same problem connecting with another entity for a meeting. They were unsure if Skype was working correctly. Brenda is unsure if Selena responded to the email, or if she has heard back from them. Brenda will check with her.

Grant expressed appreciation to the employees for their efforts. It is nice not to have to prod, persuade and encourage someone to do their job, especially when it is done at a high level of quality. Our employees have a good rapport with the citizens of the community.

**Mayor Nielsen:** Mayor Nielsen reported the State Building Inspector went to the house

that burned and inspected it. He determined it unsafe and uninhabitable and condemned it. He put signs out around it. Brenda will put together a letter and send to both owners. He suggested we give them 60 days to clean it up. He hopes now we can get something done. We will see what response we get from them after they receive the letter. The Building Inspector stated if the signs are torn down, he will put them up again and can charge the person with a misdemeanor. The council was provided with a copy of the letter from the inspector. The inspector was great to work with and is going to try to spend more time in our area.

Dan asked if this same thing can be done with the building on Highway 91. Mayor Nielsen reported the Building Inspector went down to look at it. Brenda will check on the county website.

Work has started on the home on the Old Malad Highway.

He expressed appreciation for everything everyone does. He thanked Brenda for everything she does and the council members.

**ACTION ITEM** **– Adjournment: Dan Wilson moved to adjourn, seconded**

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

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

**Rex Nielsen, Mayor**

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

**Brenda Kay, City Clerk**