**MINUTES**

**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, FEBRUARY 11, 2020**

**7:00 PM**

**ATTENDANCE:** Mayor Rex Nielsen, Gary Barnes, Dan Wilson, Bonnie Hill,

Grant Johnson, Tony Hancock, and Brenda Kay.

**Patrons:** Bonnie and Terry Beck, Rick David, Bryce Hollingshead, Angela

Chilcutt, Bannock County Sheriff’s deputies Zweigert and Anthony, George Alefteras and Ian West from PSI Waste Systems, Brent and Cheryl Brown, and Mel and Margie Hansen.

**Call to Order:** Mayor Nielsen called the meeting to order at 7:00 p.m. and

welcomed everyone.

Rex Nielsen offered the invocation and led the group in the Pledge of Allegiance.

**ACTION ITEM - Approve Minutes:** Bonnie Hill reported three changes need to be

made to the Minutes. At the top of page six, the motion approving the Amended Animal Control Ordinance has Gary Barnes voting twice. It needs to be changed to include Bonnie Hill’s vote as follows: ~~Gary Barnes~~ **Bonnie Hill**, aye.

Also, on page six, the motion approving the purchase of a new range needs to be changed to, “Bonnie Hill moved to approve the purchase of a new electric range**(s)**, for the Community Center with a limit of $2,500.”

On page 8, under Grant Johnson’s comments, the following sentence needs to be changed to, “Gary asked who needs to be thanked for the ~~name plates~~ **pens**.”

**Bonnie Hill moved to approve the Regular Minutes of the Downey City Council of January 14, 2020, with the amendments mentioned, seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM** **- Approve Accounts Payable:** **Bonnie Hill moved to approve**

**the Accounts Payable for January 2020 in the amount of $35,165.27, seconded by Dan Wilson, all voted aye, motion carried.**

**Law Enforcement:** Officers’ Zweigert and Anthony, from the Bannock County

Sheriff’s Department were present. Mayor Nielsen asked if the house that recently burned down on Main Street is still under investigation. Officer Zweigert will check on it and let us know, but he believed it has been cleared. Officer Zweigert introduced Officer Ryan Anthony to the Council. He is a canine officer. Mayor Nielsen thanked the officers for being here.

**ACTION ITEM – Consider request from Angela Chilcutt to be granted an exception to put in a septic system on property they purchased because the City’s sewer line hook up is not within a convenient reach:** Angela Chilcutt and her husband are planning to build a

new home on the old Malad Highway west of Neal Hollingshead’s property.

Angela informed the Council she needs to cross through Ryan Rowe and Neal Hollingshead’s property with her sewer line. She provided information regarding the location of the sewer hookup and information on septic systems for the Council. She received verbal approval from both property owners to go through their property with the sewer line. However, she found out clean out drains will need to be put in the line every 100 feet, and the Hollingshead’s are not sure they want to have these on their property. They will be talking with Tony Hancock about it. In the City’s Ordinance 7-2 it states, “Toilets, urinals, sinks, bathtubs, drains and all other plumbing fixtures shall be connected with the sewer system when located within a convenient reach thereof….” In other cities her general contractor has worked, if the hookup is greater than 200 feet, he has been allowed to put in a septic system. Angela indicated her line will be three or four times this length.

Angela reported City Ordinance 7-2-11 declares, “… it’s contrary to the public health and welfare…” to put in a septic system. However, the United States Environmental Protection Agencies website says septic systems “…can protect public health, preserve valuable water resources, and maintain economic vitality in a community.”

Angela and her husband are excited to build in Downey and become members of the community.

Mayor Nielsen informed Angela with the information the City has received regarding this: The City does not feel we can allow a septic system. The council voted not to allow it last month. The City would like to help in any way they can.

**PSI Waste Systems:** Mayor Nielsen asked PSI representatives to take a minute.

George Alefteras, Operations Supervisor, introduced himself. He asked if we

have enough carts and if everything is going well. Tony Hancock reported things are going well.

**ACTION ITEM – Consider approval of computer purchases from Qabsolute, LLC, for the City Clerk and Mayor:** **Bonnie Hill moved to**

**approve the purchase of the computers from Qabsolute, LLC in the amount of $1,152.58, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of a bid from Qabsolute, LLC, for installation of a new internet connection for the City Office and City Shop and a Business Monthly Internet Plan and secure cloud:**

Bryce Hollingshead, of Qabsolute, LLC, informed the Council governments need to be super sensitive about cyber risks. They are increasing ten-fold. The only way to mitigate it is to start going to a much more secure level of data transferring processes. The City is on a cellular system, which is good but not great. The speeds are good enough to do bare minimum, but not fast enough to get into the secure cloud. The first step is getting a fast, fiber like connection. They were able to get a connection from the fire station, where their tower is, to the City Shop with a redundant connection. That means if one frequency fails, it fails over to another frequency on the same link. He will bring it to the City Office from the City Shop. The link from the shop to the city is also a redundant link.

According to Bryce, they are planning to install the connection at the shop on Friday and start testing the links. The tests take up to 72 hours. They can then start adding surveillance and other things.

The main reason there is a need for these changes is the speeds need to be fast to do anything in the cloud. The City is receiving a very good deal on the connection. This will help in everyday production also. The bid is $763.20.

**Dan Wilson moved to approve the bid for the Downey Internet system, seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of purchasing two new computers for the Maintenance Crew and Telemetry System:** With

the threats of information being stolen, Bryce Hollingshead suggested the computers need to be updated. The cycle for computers is generally three to six years. Upgrading and repairing is easier on new computers also.

**Bonnie Hill moved to approve two new computers for the maintenance crew and the Telemetry System, seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of a badge and badge holder for the Animal Control Officer:** **Dan Wilson moved to approve purchasing a**

**badge and badge holder for the Animal Control Officer, seconded by Bonnie Hill, all voted aye, motion.**

**ACTION ITEM – Consider approval of hiring K & M Professional Cleaning to clean the Community Center and to determine the frequency of cleaning:** Mayor Nielsen informed the Council we need to

determine how often the Community Center needs to be cleaned. When the Community Center is used, the renter is responsible to clean the Center when they are finished using it. Sometimes the building is left clean and other times it is not. In the future, a cleaning deposit may need to be added to the rental fee. If the building is not left clean, the deposit could be retained and used to cover the cost of cleaning the building. We have a bid from K & M Professional Cleaning for $150 per cleaning. If the City provides the cleaning products, the cost is reduced by $20. It was suggested the building be cleaned monthly; however, the cost of cleaning was not planned for in the budget. We will receive some revenue from the rental fees, but it will not be enough to cover all the cleaning costs. We also had to purchase a propane tank for the building, so we will need to be mindful of the budget.

**Bonnie Hill moved to hire K & M Professional Cleaning to clean the Community Center on an on-call basis, seconded by Gary Barnes, all voted aye, motion carried.**

Mayor Nielsen will let K & M Professional Cleaning know the bid has been approved. He will ask them to clean the building now and explain it will be on an on-call basis thereafter.

**ACTION ITEM – Consider approval of determining the type of range(s) and number of ranges to purchase for the Community Center or whether to continue using the electric range currently in the building if it is in working condition**: Last month, the

council approved $2,500 to purchase a range(s). Tony checked the range at the

Community Center and it works. Prior to purchasing a new range, Mayor Nielsen would like to have K & M Professional Cleaning clean the oven. Once it has been cleaned, Bonnie Hill will try baking something in it to make sure it is working well. If it works, we will continue using it. If it doesn’t work, we will purchase one range. Down the road, we can purchase an additional range if needed.

**ACTION ITEM – Consider approval of donating the display case in the Community Center to the American Legion and American Legion Auxiliary:** Bonnie Beck reported in some of the Legion buildings they have visited,

they have a Cascade of Memories. A lot of families donate medals, hats, and other items, and they would like a place to put them. They would like to have the City donate the display case in the Community Center to the Legion.

**Gary Barnes moved to approve the donation of the display case in the**

**Community Center to the American Legion and American Legion Auxiliary, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of a Building Permit for Bruce and Mandee Burt:** The permit is incomplete and will be tabled.

**ACTION ITEM – Consider approval of the Portneuf Soil and Water Conservation Fuel Reduction Grant with a 10% match and funding from the Department of Lands and Forest Service also and authorizing the Mayor to sign all documents related to the grant:** Tony Hancock reported representatives from Portneuf Soil and Water

Conservation came in and talked to him about fuel reduction of Junipers on City property in the Nine Mile Canyon area. The ten percent match can be in-kind. We have done fuel reduction up Nine Mile, and it is beneficial to the City.

**Dan Wilson moved to approve the Portneuf Soil and Water Conservation Fuel Reduction Grant and authorize the Mayor to sign all documents related to the Grant, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of Downey’s contributions to the Bannock County Fair:** Bonnie Hill reported the Fair has been in Downey since

1956. Downey has not contributed to the fair. She feels this is Downey’s one time to shine. It is the way we can market the City. She would like to have the City be a sponsor. Sponsor options include a name on a chute in the rodeo, a flag in the rodeo, a banner at the park during the fair, and most sponsors include a name on the fair T-shirt, which is popular and an ad in the fair book.

Mayor Nielsen expressed concern about our budget. Grant Johnson stated the chutes are around $1,000. Bonnie reported the sponsors run from about $250 to $1,000, but the prices for this year have not been determined at this time.

**Bonnie Hill moved to become a sponsor of the Bannock County Fair for the amount to be determined at a later date, seconded by Gary Barnes, all voted aye, motion carried.**

Bonnie would like the City to have an entry in the parade. Tony Hancock

mentioned the City has had parade entries in the past.

**Bonnie Hill moved to have a parade entry in the Bannock County Fair, seconded by Dan Wilson, all voted aye, motion carried.**

The third item Bonnie discussed is the RV Park power bill. The Fair Board has never paid for it. The County has paid it up until 2019. She asked what the City wants to do about it. She would like to be clear going forward. The council agreed it should be paid by the County. Bonnie will let the Fair Board know.

**ACTION ITEM – Consider approval of Bannock County Fair Grounds plat review:** In 1960, the City of Downey donated the fair grounds to Bannock

County with the caveat that if they don’t hold the fair in Downey, the property will revert to the City of Downey. They used an old plat when it was donated.

One of the items Bonnie has come across in trying to get the new fair building built is part of the property belongs to the City. They will not build on Downey’s land. She would like approval to go to the County and have their surveyor work with us. The County will pay $1 for the property, and it will have the same caveat. If they take the fair from Downey, the property reverts to the City. Grant Johnson asked if we will be giving up part of the baseball field; however, Bonnie’s understanding is the County gave the baseball field back to the City. The Clerk and Tony Hancock reported the County’s parcel viewer shows it differently. Tony expressed concern about making sure we know what property it is. There is some property we want to make sure stays in the City. There is a water line and a main road we need. Tony will need to be involved in it.

**Bonnie Hill moved to go forward in the process of redoing the plat for the City Park and the fairgrounds, seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of a donation to the Chamber of Commerce Easter Egg Hunt:** Dan Wilson asked if it is legal for the City to

make donations. This is people’s tax money and we need to be careful. Mayor Nielsen also mentioned we need to be mindful of our budget. The clerk will check with the Association of Idaho Cities.

**Bonnie Hill moved to donate $200 to the Easter Egg Hunt, seconded by**

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

Bonnie asked for a list of donations the City makes.

**ACTION ITEM – Consider approval of an Application for Livestock Permit for Dan and Jodi Lewis for 6 chickens, 3 ducks and 2 rabbits:** **Dan Wilson moved to approve the Livestock Permit for the Lewis’ for 6**

**chickens, 3 ducks and 2 rabbits, seconded by Bonnie Hill, all voted aye, motion carried.**

**ACTION ITEM – Consider approval Business Licenses for The Mart, Health West, Wilson’s Excavation, Eclipse Pro-Paint and Remodeling, The Loading Pen, Sunshine Sewing, Dick’s, Downey Fitness Center, LLC, Raymond James – N. Dean Moser, TM, and Clayton Hulet Bird Taxidermy:** **Bonnie Hill moved to approve the above-**

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

**ACTION ITEM – Consider approval of minor corrections to the Animal Control and Livestock Ordinances for grammatical clarity and to make modifications suggested by the City Attorney:** Bonnie Hill reported she has an issue with the Ordinance because

it is not the Ordinance the Council approved last month. It does not incorporate any of the changes made in January, prior to its approval. The Attorney has added additional sections, that if required, should have been added prior to the Council’s approval in January. She has serious concerns with the Attorney’s lack of attention and competency with regards to this Ordinance. She has discussed her concerns with Mayor Nielsen and encouraged Council members to discuss any concerns they may have with the Mayor also.

Bonnie requested the attorney’s invoices be reviewed separately each month by the Council outside of the Accounts Payable process. She would also like to review the amount of time invoiced by the Attorney with respect to this Ordinance. She recommends we table any action on this item and operate under the Ordinance approved in January until we get a second legal opinion.

Mayor Nielsen would like to get the Ordinance done. Bonnie stated none of the changes approved last month are in the Ordinance, and three sections have been added, which should have been in the Ordinance prior to the Council’s final review. Sections 4.3.23, 4.3.24, and 4.3.25 were added. The clerk reported they are required by law, and the Attorney may have assumed she would put them in the Ordinance. She also stated the changes were sent to the Attorney. Bonnie agreed the changes were sent and is the reason she requested a copy of the email.

The clerk stated if she would have known this prior to tonight, it could have been corrected. There were problems with it coming from the Attorney’s office through the email. It took a long time to get it through and a different secretary had to re-send it.

Bonnie stated ICRMP and AIC gave us access to their attorneys. She would like to have them review it. She stated we have an approved Ordinance. We may need to bring in the three sections.

The clerk suggested the Attorney’s secretary may have pulled the wrong Ordinance when she added the additional sections to the Ordinance.

Bonnie stated she has no problem with the three sections. She has no confidence in the Attorney, so she would like a second opinion.

The clerk reported the Ordinance approved in January has not been published.

**Bonnie Hill moved that our Animal Ordinance be reviewed by a second party, preferably ICRMP or AIC attorneys, seconded by Gary Barnes, all voted aye, motion carried.**

**Comments from the audience on Agenda items only:** No comments.

**REPORTS**

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

* The springs are flowing at about 64 gpm to town and 190 gpm turned out up Nine Mile.
* The snowpack up Nine Mile is about 33 inches. If we get about 40 inches, we can usually make it through the summer without the well running.
* Tony and Matt have been moving snow. Tony asked the Council to let them know if they have any concerns.
* They have been getting road chips for this coming season. About one-half of the 400-ton ordered has been hauled in.
* The CCR (Consumer Confidential Report) is finished. It is not due until July. We will get it finished in the next month or two and sent out to the public. It shows if we have had any problems with the water and what we have tested for. It only reports if something is detected. There were no out of range results.
* Tony and Matt will start hauling gravel from the state. The gravel is free and will come from the Virginia Pit.
* We will need to purchase some road base. We will get it from A & O.
* The last check has been received for water sales this past summer. It was around $5,300.

**Brenda Kay:** Brenda provided a copy of an email she received today about an AIC City

Achievement Awards program.

She also provided a copy of an email she received today from Southeast Idaho Council of Governments (SICOG) offering a Technical Assistance Award to provide project development and grant writing services to qualifying cities for a park improvement project. It is due the 16th of March. If a City is applying for a CDBG, SICOG help provide technical assistance. Technical assistance is non-financial assistance provided by Community Development Specialists.

Information on the Circuit Breaker program was provided to the Council.

Shannon Sutorius came in this afternoon and asked if the City might be interested in selling the property north of the Shadow West Building. Her aunt is purchasing the building and is considering putting a grocery store in. She would like to put a residence on the property.

Some time ago, we talked about doing a Consent Agenda. The Council determines, by Resolution, what they would like on the Consent Agenda. Minutes, Accounts Payable, Business Licenses, Beer Licenses, Building Permits, etc., can be put on it and approved in one motion. If the Council would like to discuss it, it can be put on the Agenda. The Council agreed to put it on the Agenda.

**Gary Barnes:** Gary thanked the community for the support we are receiving. He

thanked the staff for their work and support to the City and the good PR work they do for the City. We are blessed to live in this area. He thanked the Council and the Staff for the work being done and the efforts to better our community.

**Bonnie Hill:** Bonnie agreed with Gary. She attended the Tree City USA Committee

Meeting. They have held two meetings. Arbor Day will be Saturday, May 9th, at

2 p.m.

The Bannock County Commissioners are very much in favor of keeping the fair in Downey. The Fair Boards goal with the fair is to be the best fair in Idaho.

Bonnie commended the staff on the newsletter. It looked good and had a lot of information.

In the bank statements, there is a Downey Economic Development account. She talked with Brenda about this and apparently, this was an account from when Ila Mae Cunningham was Mayor. The funds were to roll to the general fund. Brenda reported about $1,000 of it should have been transferred. The sign on the road was refurbished and the City paid for it with the intent the money would be reimbursed from this account. It all happened about the time Jim Parke passed away, so the money was never transferred.

**Daniel Wilson:** Dan thanked the staff and the council for all they do. He

also thanked the patrons for their input. He thanked Mel and Margie Hansen for taking on the Tree City USA Committee.

**Grant Johnson:** Grant expressed appreciation to everyone.

We had an airport review this past summer. Grant received a report on it. It is in rough shape. They gave us a projective plan on some things to do. It is out of the City’s reach. In 2024, they suggested a complete reconstruction in the amount of $850,000. This is for a complete restoration. They have a scale rating. On a 0 to 100 range, we were in the 41-42 range. The taxi way was zero, but we have made improvements to it since then. They submitted some pictures. Looking at it, Grant would be a little nervous landing an airplane on it. We need to have something in mind to address these issues. It could become a liability issue. Tony will look at the airport with Grant. The airport is not a money maker for the City, but it is an asset.

Tony reported the grants we have received for the airport were for a slurry coat and a crack seal with no match. We have received the grant twice, but it has been about 10 to 12 years ago. The other grant was probably five years prior to that. We also received a grant for a study, which has not been done. The City used to receive money from the Division of Aeronautics almost yearly.

Bonnie Hill suggested checking with SICOG for any grants that may be available. She also suggested checking with the County, since this is the only airport in the County.

The rent on the three hangers at the airport is $120 each annually. Tony mentioned someone inquired about putting another hanger in and do mechanic work out of it for airplanes.

The airport has been used a lot for emergency landings due to bad weather and mechanical issues.

Tony mentioned he and Matt have three trainings coming up in the next few

months.

**Mayor Nielsen:** Mayor Nielsen thanked Brenda for her help. He also thanked Tony for

his help and thanked the Council.

At the ICRMP training, they suggested updating the Personnel Policy. It has not been updated since 2002. Mayor Nielsen is working on it.

We have had a couple of calls about the logo. The clerk asked if there were any additional guidelines for the logo. We have had some questions about it. The Council agreed to leave it up to the participants.

Mayor Nielsen visited with Marsha Elmore and the Senior Board has not been dissolved yet. The Senior Center owns part of the parking lot, and he would like to see it resolved before the Board is dissolved. He would also like to see if Marsha will sell the strip of the parking lot that she owns. Mayor Nielsen will meet with Marsha about it.

We talked about getting some CD’s for the City. He would like to work on it.

Mayor Nielsen would like to see if Tad Bybee will be the Animal Ordinance Enforcer. We have had a couple of inquiries about the Code Enforcer.

Mayor Nielsen reminded the Council of the meeting on the 19th, in Pocatello on the Fire District Taxes. The meeting is at 2:00 p.m. and is a Public Hearing. On the 28th, at 2:00 p.m., the Bannock County Commissioners will be here to meet with the citizens about the tax issue.

The Council received a list of their Council assignments. Dan Wilson is going to talk to Erik Yeates about the Community Watch Program. Mayor Nielsen asked Dan to be over Emergency Preparedness also.

**ACTION ITEM – Adjournment: Dan Wilson moved to adjourn at 9:00 p.m.,**

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

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

**Rex Nielsen, Mayor**

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

**Brenda Kay, City Clerk**