**MINUTES**

**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, JULY 14, 2020**

**7:00 PM**

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

Hancock, and Brenda Kay. Councilman Grant Johnson was excused.

**PATRONS:** Barbara Hill, Terry and Bonnie Beck, Krystyna and Erik Yeates, and

Kelly Fly.

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

welcomed those attending the meeting.

Brenda Kay 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, 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 – June 9, 2020

B. Accounts Payable – July 2020

C. Livestock Permit – Merrill and Betty Lewis for four lambs

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

**Law Enforcement:** Not present.

**Discussion of the Airport with the State of Idaho Division of Aeronautics (by Skype):** We were unable to connect to the Skype meeting.

Bonnie Hill reported the State of Idaho is trying to maintain the small airports in the State of Idaho. They typically do one airport at a time, and there are four airports in the next group. They do an overview of the airport and recommend changes to keep it usable. It will take about 6-8 months for the report to come back to the City. There are people available to help with grants to make the recommended adjustments. One recommendation is to straighten the dog leg at the end of the runway. This would allow more planes to use it. Part of the plan involved staff, council and community members answering questions.

**Kelly Fly – Animal Control and Livestock Ordinance:** Kelly Fly read

from the Livestock Ordinance. He reported it does not say a Livestock Permit is required to have an existing use.

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 or more, such existing use shall be deemed forfeited and future harboring of livestock shall require the permit as set forth herein.”

Kelly stated he had racing pigeons on his property prior to the ordinance. He stated he falls under this. He has had the pigeons since last September, and the moratorium was in effect so he could not get a Livestock Permit.

The clerk reported Kelly did not have a Livestock Permit for the pigeons; however, Kelly stated it does not say he had to have a permit for the existing use.

Mayor Nielsen suggested checking into it. The Clerk stated the Ordinance does state a Permit is required.

Dan Wilson stated anytime animals are moved into the City, a Permit is required.

Kelly asked where it says this in the Ordinance.

The Clerk read the following from the Ordinance, “A permit for the keeping of livestock is required and shall be issued to a resident of the city...”

Kelly stated this was as of March 10, 2020. The Clerk reported this was also a requirement of the old Ordinance.

Kelly stated he could not find anything that stated he had to have a permit prior to March 10, 2020. The Clerk reported the old Ordinance required a Permit. This is an Amendment to the old Ordinance.

Bonnie Hill suggested we talk to the Attorney and have him interpret it. Mayor Nielsen agreed.

Kelly declared his excitement about retirement so he could start raising birds and get the Scouts involved in it. Mayor Nielsen stated this is great but does not affect the approval of the Livestock Permit. We will check with our attorney on it.

Kelly would like the City to consider an Amendment to the Ordinance to allow for racing pigeons. He has looked at other cities ordinances who allow racing pigeons. Mayor Nielsen reported if we allow one amendment, everyone else is going to want the ordinance amended for the animals they want.

**ACTION ITEM – Consider approval of purchasing a speaker and microphone for community Events:** Selena Guthrie did some research and

found some systems under $300. It can be used for City events and at the Community Center.

**Bonnie moved to approve the purchase of the speakers and microphone for the community at no greater than $300, seconded by Gary Barnes, all voted aye, motion carried.**

**ACTION ITEM –** **Consider approval of Community Center Sign:** Tony

Hancock asked the council if they want to try to get a sign for the Community Center with the new logo on it. The last bid we got was around $200, but it will probably be more with the new logo. There was also discussion about a sign for the City Office, or having the logo put on the side of the building where the Mayor’s office is. Mayor Nielsen suggested tabling this item until we have information on the cost of the signs.

**ACTION ITEM - Consider approval of purchasing Animal Control Violation Forms and Ordinance Enforcement Forms:** Mayor Nielsen

reported we received the Animal Control badge for Tad. Tad asked to have the forms made so he can do his job. Bonnie Hill suggested changing the wording on the form Animal Control Violation Forms. The word dog should be changed to animal on the form. She was also concerned about the public property language on the form, but Mayor Nielsen stated Tad is the one who provided the form. She suggested we wait to get the code enforcement violation form since we do not have a code enforcement officer at this time. She would like to see the back side of the code enforcement violation form.

**Bonnie Hill moved to approve purchasing the Animal Control Violation Form with the recommended changes, seconded by Dan Wilson, all voted aye, motion carried.**

The smallest quantity of forms available will be ordered.

**ACTION ITEM – Consider approval of purchasing and installing lights on the Veteran’s Memorial Monument and Mural:** Mayor

Nielsen reported after this was put on the Agenda, it was suggested we use the light that is already on the pole there. Tony stated he will put spotlights in the light that is there. If it does not work, they have an old pole they could use. This will be a less expensive route to start with.

Gary asked if the new camera would reach the monument and mural area. Tony said it shows up well. He can zoom in and identify who is over there. The light will make a big difference.

**Dan Wilson moved to purchase and install the lights for the Veteran’s Memorial Monument and Mural, seconded by Bonnie Hill, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of Letter of Intent to participate in the public safety proposal through the Coronavirus Relief Fund:** The clerk reported this is an implementation of public safety proposal.

Basically, it reimburses expenses for police protection. In exchange the City would not take the 3% increase on property taxes. The expenses are reimbursed from March 1, 2020 through December 30, 2020. Because the City contracts with Bannock County, they are supposed to submit the Letter of Intent. Bannock County was contacted, but they are unsure how they are going to do it. They were supposed to get back with the clerk before the meeting tonight but did not. If the County does not submit it, the City needs to. It is due the 17th of July. The clerk also asked the County how they are going to reimburse the City’s portion if they submit the costs. They were unsure.

Bonnie Hill reported on the Governor’s call today, the deadline is Friday. The letter states the County needs send it in under contract. The Letter of Intent is not holding the City to anything. We can still back out. They have had a lot of response to it. It is going to be a pro rata payment. The state needs to determine how much it will be.

**Bonnie Hill moved to approve the Letter of Intent to participate in the public**

**safety proposal** **through the Coronavirus Relief Fund, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of Wage Increases for employees:** Mayor Nielsen reported we need to talk about employee

performance, which needs to be done in executive session. We may know more about our budget next month.

**Budget Discussion**: The clerk reviewed the budget revenue and expenses to date.

She also reviewed the projected revenue to be received from the State in the next budget year, and the additional revenue the City will receive if the Council decides to take the 3% property tax increase.

Items discussed for the new budget included:

* Increasing the budget for the Community Center. We need to account for extra cleaning.
* Purchasing Accounting software, along with the monthly maintenance charges. We may need to add some additional training on the software.
* Increasing the budget for legal services and codification costs for Ordinance review and amendments. It was suggested we check with other codification service providers on their costs of codification. Currently, we are being charged $22 per page.
* Budgeting funds to paint and/or have an additional section of stucco and rock done on the exterior of the City Building. The section they are working on now will be $4,312. There are additional costs for closing off the window area. It will probably total about $4,500. Tony will get a bid so we will know what to budget. We may need to also budget for some painting.
* Possibly renting the office space in the Community Center to increase revenue.
* Budgeting funds for costs associated with updating the City flood plain. If we want to change the flood plain, we will need to put some money into it. We may be able to get help from the County flood plain administrator who is an engineer.
* Budgeting funds for additional email accounts. Yahoo’s storage is 1Terabyte. It is saved in your mailbox, so it is always in your email unless one deletes it. They do not troll, sell, or go through any emails. It is as secure as they can do it. Bonnie Hill would like to get it going because our emails come up for renewal in September. Yahoo will allow us to use downeyidaho.us for our emails.
* Budgeting funds for equipment purchases that may be needed. The sand truck may need to be replaced in the next few years. At the end of 2018, we had approximately $85,000 in our Road Fund Balance. Our Audit is not finished yet, but we should still have $60,000 to $80,000 in our Road Fund Balance. Our road budget will be tight this year, as this fund will be seeing the most cuts from state funding.
* Checking on the cost of the Audit. It has been about $6,500. The Auditor has been very reasonable and tries to work with small cities. Bonnie Hill reported AIC recommended Auditor’s be changed every few years, so they do not become complacent.

**Comments from the Audience on Agenda Items Only**: There were no

comments.

**REPORTS**

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

* The springs are flowing about 378 gpm today.
* About one mile of roads were chip sealed. Tony thanked the road district for their help.
* Tony and Matt have been doing a lot of spraying, and mowing roadsides, and parks.
* Tony and Matt have a water class tomorrow.
* They still have a wastewater class to pick up. Tony stated its hard to find classes due to coronavirus
* Tony got the well running today. He has one hiccup on it to work out, but otherwise, everything is working well. It is only working manually right now.
* Iworks is coming to meet with Tony on Friday. They are going to show him how some of the new photo stuff for grading roads. They are doing a demo. Tony works with them and it helps us get grants for the roads.
* A streetlight was hit across the street from the City office. The cameras showed who it was. Once the globe comes in, we will get the cost together. Tony was able to contact the person and he will pay for it.
* Tony talked with a representative from Rocky Mountain Power about our streetlights. To upgrade the City streetlights to LED’s so it is less costly, the City would have to pay for everything and then pay for any maintenance after that. Right now, Rocky Mountain Power maintains them. Very few cities have this the maintenance benefit.
* The City received $163 from Pacific Steel for recycled metal from cleanup day. The price is down a little due to coronavirus.
* The kids seem to like the splash pad. Tony asked if there are any other rules the council wanted. He has not had a permanent sign done yet. He said we have not had any problems at this time. It has been well taken care of so far.

**Brenda Kay:** Brenda reminded the Council of the Public Hearing we have for a

Variance on July 29th.

Brenda talked with an Agent from Progressive Insurance on June 8th regarding

the City fence that was hit. All the information was sent to the agent, but we have not heard back from them.

The reimbursement program for the Covid-19 personal safety equipment is very lengthy. Brenda has tried to read the information, but it is so lengthy, there is not time to get through it all. She will send the information in and let the state decide on reimbursement. She had the Mayor look at it with her and it looks like it is more for medical personnel.

Angela Chilcutt called to get on the Agenda to request a hardship, so she could do a septic system instead of hooking into the City sewer. Selena talked to our attorney, and he said there is no hardship. She must use the city hookups. Mayor Nielsen agreed to have her on the Agenda for a discussion item, but she decided not to come. She has her building permit and it sounds like they will proceed.

**Gary Barnes:** Gary thanked everyone that came tonight. He appreciates the input and

is open to suggestions. Gary thanked the staff for all they do. He appreciates the public relations going on and the expedited way things are getting done. It is appreciated by the community and himself in going the extra mile.

**Bonnie Hill:** Bonnie asked about the Lothrop home that burned down, but Mayor

Nielsen stated he will talk about it in his report.

Bonnie would be happy to help with the leg work if Brenda is unable to get ahold of the person at Progressive regarding the fence matter.

There will not be a fair this year. They are planning on doing the 4-H portion of the fair. The requirements of the health department were too much for them to take on. Mayor Nielsen asked if it is scheduled for the same time as they were planning to hold the fair. Tony thinks it is the same time. It will be through Thursday. Tony said his schedule shows they are still having the parade. Bonnie will check on it and let us know so we can put it in the newsletter. The parade will be Wednesday, August 5th. It may just be the 4-H doing a parade.

Bonnie asked when the Audit will be finished. Brenda is unsure and will check with the auditor.

**Daniel Wilson:** Dan asked about the new business on Highway 91 having a

Business License. It is like a big yard sale. Brenda reported they do not have a business license. Dan stated their stuff is close to the road. They have been going since prior to fourth of July.

Erik Yeates stated they went to the site and the guys said they bought the building and want to turn it into several businesses. They are talking about putting an auto repair shop in and a butcher shop. They are clearing the building out and selling everything to make money to make the repairs.

Dan thanked the staff for all the hard work they are doing. He thanked the patrons for coming.

**Grant Johnson:** Grant is excused.

**Mayor Nielsen:** Mayor Nielsen has talked to both people involved with the burned

house. We have talked to our attorney about it also. We hope to get something done, but we need to go through all the hoops. We are working on it and will keep I will keep the council informed of the progress.

He expressed appreciation for the dedication of the Veteran’s Memorial we had Saturday. He thanked the Auxiliary, Scouts, the Legion, Dan Lewis, and others involved. He would like to come up with other good ideas like this for the future.

Mayor Nielsen expressed appreciation for the staff and for all the hard work they do. He expressed appreciation to the council.

**ACTION ITEM** **– Adjournment:** **Dan moved to adjourn at 8:39 p.m., seconded**

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

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

**Rex Nielsen, Mayor**

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

**Brenda Kay, City Clerk**