**MINUTES**

**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, JUNE 9, 2020**

**7:00 PM**

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

Wilson, Brenda Kay, and Tony Hancock.

**PATRONS:** Terry and Bonnie Beck, Ryan Woods, Lynn King, Louise Cummings, Van

Wynn, Barbara Hill, Erik and Krystyna Yeates, Kelly Fly, Starr and Alan August, Holly and Paul Schaeffer, John Cutright, and Bannock County Sheriff Officers’ Curzon, Jons and Fullmer. Bryce Hollingshead, Dean Moser, and Alena McNee arrived late.

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

everyone.

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

**ACTION ITEM - Consider Approval of the Agenda: Bonnie Hill moved 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.

A.Council Minutes – May 12, 2020

B. Accounts Payable – June 2020

C. Business License – Cosmo by Camryn (Camryn Hood) for a

cosmetology/salon (home occupation) at 245 North First West

**Gary Barnes moved to approve the Consent Agenda, seconded by Dan**

**Wilson, all voted aye, motion carried.**

**Law Enforcement:** Officer Curzon from the Bannock County Sheriff’s Department

asked if the community members had any questions for them. The community members thanked them for everything they do.

Mayor Nielsen reported there have been a few kids riding ATV’s that community members are concerned about. He thanked the officers for coming.

**Discuss Rules and Regulations for Livestock and Animals – Louise Cummings:** Louise Cummings informed the Council she and her husband moved

to Downey for the quiet community. When they arrived in Downey, they found out they could not have alpacas because they do not have enough property. Her property consists of one-half acre, which her home is included on. She feels the animal ordinance needs to be revised. After one year of driving around the community, she noticed a lot of junk and cars around and wondered why this is okay, but her alpacas are not. There is also a home partially burned down in town. In March, there was a suspicious death across the street from her and there are still old cars in the yard. She talked with the Mayor and he suggested she come to the council meeting to discuss this. She reported it is not good to have an alpaca alone, so she thought she could have an alpaca and a goat because they are both under 200 pounds. She does not feel they need permission to have animals. She has signed two Livestock Permit Applications, and she cannot even see one of the homes. The other neighbor has pigeons that she has never heard. She feels asking permission from neighbors 400 feet away is too far. Neighbors can have junk cars without permission, but she must ask for permission to have animals. Some people do not take care of their animals and do not like roosters. She does not feel everyone should be punished for the mistakes of others. Instead, punish those who do not follow the rules.

Mayor Nielsen thanked Louise and stated we will take comments from the audience at the end of the meeting.

**ACTION ITEM –** **Consider approval of city email accounts:** Mayor

Nielsen turned the time to Bryce Hollingshead. Bryce reported the City has increased their security by getting better internet. This has also increased our speeds. Most of the City’s equipment has now been updated, which will now support the email functions we need.

Last time he met with the City he introduced two or three options including Microsoft systems email, which are located in the Cloud, Google’s Gmail Suites for business.gov accounts, and providing one’s own server, which is expensive because the equipment is expensive and has to be replaced often because it is out of date.

The cloud is basically a data center located somewhere. It can be on the east or west coast, in the middle of the country, or a combination of both. If we have a good internet system, we can have a very secure system. The cloud is one of the most secure systems. It can be located anywhere. Wyoming has recently converted their entire email system to the G Suite email, and they have never looked back. It does not take a lot of money to run because it is all run in the cloud. They have an administrator who manages it. The cost is the biggest thing that hurts cities. Go Daddy will continue to increase, even using Go Daddy Suites. It will eventually be blending with Microsoft Outlook. The G Suite is something Google has tested for almost ten years with the .gov domains. They keep it simple at $6.00 per user, per month. This includes the ability to have an administrator at no cost. The secondary version is $12.00, which basically just provides more storage. It gets very confusing using Professional Microsoft Suites when no one is trained on it. Most people have a Gmail account, so they know how Google works. My suggestion to the Board is to compromise and not rely so heavily on Microsoft Suites when it is not used by everyone. From what Bryce has seen, only a handful is using Microsoft. The $6 or $12 plan from Google Suites provides the same abilities. The free Gmail is fine for your average consumer where they do not care that google is scanning their emails and marketing that information to you and selling that information to others. With government stuff, this creates a privacy problem. Anything that is secure, or City of Downey related, one would use a private, meaning secure, email. A free account would be used for personal email. Most people that want privacy, do not use a free system. If the city is looking to maintain a strict secure system for emails, a cloud version will be much better than a free version.

Bonnie Hill asked Bryce if he wants us to have two emails. One email that the City provides and one that is free. Bryce said a secure email and a personal email are provided at the same cost. The personal email would be free of cost. This is often done in governments. Bonnie stated this would be $6 per user, per month for ten emails, comes to about $740 per year.

Bonnie did some research and talked to Yahoo. She got basically the same thing, but it may not be cloud based. Bryce reported Yahoo is different because it is owned by a different corporation and the details would probably need to be hashed out a little further. Their accounts are not as secure as one would think. He discouraged the City from going with a secured account from Yahoo.

Bonnie talked with Go Daddy, G Suites, and Yahoo. Bonnie asked even if we paid more for Yahoo, they would not be a secure choice. Bryce stated he is unsure, as he does not work with Yahoo. His professional opinion is that it would not be as secure. Bryce said G Suites is simple.

The clerk reported she talked to Ann Yearsley, who set up our Website. She did not recommend the email account with Go Daddy because they are with Outlook. She recommended G Suites because they will walk you through everything. Bryce reported the business accounts that are $12 per month have tech support 24-7. The $6 account tech support is more office hour related. However, Bryce said the City does have a part-time IT person that can be accessed around the clock.

Bonnie reported Yahoo will provide 10 email accounts for an annual payment of $143.00; however, Bonnie is unsure if the accounts are secure accounts.

One thing Bryce likes about G Suites is it has some great historical archives. He has done digital forensics for quite a while. Because he had a Suite to work with, he could go into historical IP addresses to be able to find things. He was able to solve some cases because of this. If we feel like we are being phished, spear phished, targeted, or exposed to ransom ware, it works well. Their tools are some of the best. There are not a lot of cheap solutions. Off the shelf, he has seen other small cities do one other thing. You can be set up with encrypted accounts, but they do not have a domain ending with city of Downey or downeyidaho.us. They are usually free and have a more secure cloud data center where documents are stored. You must go to the cloud storage device to access information. This must be signed off by the attorney.

Bonnie reported the Association of Idaho Cities said we should have separate emails, so we are covered. We need to figure out how to make that happen. She feels we need to make a choice on what we have in front of us, what our options are and what we want to go forward with.

Grant asked Bryce what we are trying to protect. Bryce’s response was privacy. Grant’s understanding is we are trying to get away from having a combination personal and city business on the same email.

Bryce stated anything put in your business email is open to the open records act. Grant stated as far as what we are emailing back and forth is not particularly a big issue. Bryce reported typically, but sometimes we accidentally send confidential information, such as a name, a birthday, address. Any kind of personal information. This is what we are trying to secure from other people. Downey is low key, but other cities have had problems with sending confidential information. It protects the City to have a secure email. It protects the City from human error.

Dan Wilson stated if this is public information, it can be accessed anyway. Bryce reported only if it is requested. Otherwise, no one has access to your emails, but you and your administrator. Secure email is multifactor authentication. One does not just use a password to get into your email. You will have apps on your phone that will give you codes to get into your email. It is not convenient, but it is secure. This is the City’s choice.

Grant suggested we investigate this a little further. In another month maybe we will have a better understanding of what our budget will be. The council agreed.

**Comments from the Audience on Agenda Items Only:** Mayor Nielsen

reported he spent most of the morning talking with some citizens about the animal ordinance. He appreciated them coming in and talking to him because they were so off base on the animal ordinance. He suggested Louise Cummings get a Livestock Permit and bring it in for the Council to look at. This animal ordinance was written in 1985, and we tried to improve it, but we cannot please everyone. We have people in Downey, who if they had their way, there would be no animals. We have to try to find a happy medium. One misconception is a neighbor can say you cannot have the animal. That is not true. The Council has the final say on the permits. We do the 400-foot radius, so neighbors have a say. This gives the Council the opportunity to know how neighbors feel and what their concerns are. The reason for the acreage requirement is to protect the animals. A while back, someone had 3 horses on a small acreage and the manure piled up and the flies came. Her neighbors also have rights. She was asked to get rid of one horse. We had another person put chicken wire fence up around her yard, and she put two lamas in it. Soon they were running around the City, and we were receiving complaints. We are trying to deal with those who love animals and those who do not. Mayor Nielsen stated he appreciates those who come in to see him. His door is open. The City is doing the best they can.

Van Wynn agreed with Louise Cummings. He has horses and stated he would not have bought his house in Downey if he had known about the ordinance. He suggested the City should inform new residents about the ordinance requirements. Animals getting out is a problem, and Van proposed the City look at changing the ordinance to allow for barb wire and electric fences. This would prevent his horses from getting out. They push the fence when the grass gets green on the outside of the fence. If neighbors continue to complain about his horses getting out, he could be fined. He does not feel like he should have to ask permission to have horses. He feels his neighbors should come to him if they have a problem with his horses.

Mayor Nielsen agreed and stated its unfortunate one cannot talk to their neighbor about problems instead of running to the City. Most people will not talk to their neighbor about a problem.

The clerk reported the staff gives everyone a welcome to Downey letter with information about animals.

Grant Johnson reported the reason the City went through the ordinance was to try to fix the problems. When someone complains now, we have a way to handle the complaint. We have an animal control officer. He will talk to the person about the complaint first and try to come up with a solution. Our goal is not to fine people. We want to work with people and allow them to enjoy their property.

Junk cars are difficult to deal with. It is a legal nightmare. We have talked to our attorney, and it is difficult to enforce.

Grant reported the animal regulations came into play because of problems we have had. If one learns to be a good neighbor and take care of things, there will not be problems. He does not have a dog, but when his grand kids come and they go out in the yard to play, it is full of dog poop. Does he have rights? We need to look in our own fence first and see if we are following the rules. The City cannot regulate everything. We need to be good neighbors.

Lynn King stated she feels the 400 feet rule is too far. She claimed she had people who would not sign her application because she is not part of the church. She claimed when she went to fight it with the City, they told her there was nothing she could do about it. It is their right. She thinks it should only be surrounding neighbors who are required to sign the application. She received her permit for chickens. She asked if there have been problems with pit bulls and if this is the reason they are not allowed.

Mayor Nielsen reported our attorney said it could be tough to enforce, but he said there are a lot of cities that have these ordinances for pit bulls. He feels the reason we put it in is if someone comes in with a pit bull and we have a problem, we have some recourse by having this.

John Cutright stated there have been studies showing pit bulls do not have any more issues than other breeds of dogs. The Ordinance says no one can have a pit bull. John asked if the City is not going to really enforce it, does this mean we can pick and choose which ordinances we follow.

Mayor Nielsen said he hopes not.

John feels it would be better to come up with an Ordinance with a recourse for any type of dog attack. It seems unnecessary. With permits for livestock and getting permission, it seems it would be easier to handle the problem than get permission. It seems like a lot of extra leg work for a rare occasion.

Paul Schaeffer expressed concern about having these ordinances in place and the City making selective decisions on whether they are going to be enforced for certain people or not. He knows the council spent a lot of time on the ordinances and he appreciates it. Paul is concerned about the requirement for neighbors within 400 feet having to sign the permit and the wording of the requirement. Paul said if he takes care of his animals, why does it matter.

Mayor Nielsen stated all of someone’s neighbors might be animal haters and say no to an application. However, the Council will look at it, and if the appropriate acreage is there, we will sign it. Input from neighbors gives the Council insight.

Bonnie Beck informed Paul he might be one in ten people that takes care of his property and animals. That is why his neighbors will sign his application. She has had people in her neighborhood who have not taken care of their animals. She had a neighbor who had four horses in a corral that were not being taken care of and she complained. She signed for her neighbor to have chickens, but she does not want the chickens in her yard.

Paul is concerned about the wording in the ordinance about permission being granted by the adjacent neighbor. He would like to see a little better notification to residents on ordinances that are about to be passed. He realizes the ordinance has been being worked on for a while and agendas are posted, but he feels the council should provide notification. It could be put in the Newsletter. He would like to know about things that will directly affect him.

Mayor Nielsen reported if the council feels there is a big problem with the ordinance, the ordinance can be amended, but he is not sure it will be. We cannot please everyone.

John Cutright reported people who are happy with things are going in Downey, are not going to come to the council meetings. There are probably ten people who are complaining about animals and they are the ones being heard. John feels Facebook gets more response than newsletters. He posted the Agenda on Facebook and will continue to do so.

The clerk reported there are some concerns with Facebook because it becomes a public record. The City has a website where the Agenda is posted.

Bonnie reported there has to be some regulations with animals. She had a neighbor on the corner who had two llamas, four goats, ducks, and geese.

Alena reported she complained, and nothing was done. She claimed she signed a complaint, and nothing was done. The dog catcher said he could not do anything with animals other than dogs.

Grant stated this is true. He has just been put over animal control.

John started he appreciated the splash pad. It is nice.

Mayor Nielsen invited patrons to come in and visit with him when they have a concern.

Dean Moser asked if there is an exception to the ordinance, such as a special use permit.

Mayor Nielsen stated there is not.

Dean stated the way the ordinance is written, that is the limit. He asked what the proper way is to ask for a change. He asked if the citizens could write a letter or referendum and how many signatures would be required.

Mayor Nielsen said an amendment to the ordinance would be required to make changes.

Dean asked if 60% of the community wanted to allow roosters and 40% does not, would the Council allow the citizens to make that choice.

Mayor Nielsen reported we do not know that percentage. The citizens can request a change, and if it is viable, we can do it. One person loves to hear a rooster crow and one person does not. Where do you draw the line? It goes back to being a good neighbor.

Krystyna Yeates asked if a variance to the ordinances is allowed. Mayor Nielsen stated no.

Dean asked if the Council would look at ideas from the citizens.

Mayor Nielsen stated the Council will look at any suggestions.

Grant stated the best idea is to be a good neighbor.

Mayor Nielsen stated he was born and raised here, and Downey has changed. We have to have an ordinance that will protect everyone.

**REPORTS**

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

* The springs are running about 430 gpm. All the water is coming to town.
* The splash pad is finished. The rules are posted, but they need to be reviewed before making a permanent sign.
* Tony and Matt have been doing general maintenance, spraying weeds, chopping Dyer’s Woad up the canyon, and mowing.
* Thursday, June 11th, they will have the road district chipping roads. They will chip Eighth East, Third South, First South and Fourth North. Some of the roads are just short runs, so whatever is left, they will run out on First South.
* The one berm between the long range and the 100- and 50-yard range at the Shooting Range was extended. The state helped with it, and it is a lot safer now.

**Brenda Kay:** Brenda reported our Audit will be sometime next week. Our Auditors are

in the hot spot for Covid-19, so they do not want to come to the office to do it. Everything will be packed up and they will pick it up and bring it back when they are finished. They will present the Audit report to the Council by telephone.

**Gary Barnes:** Gary thanked the community members who attended. We appreciate

the input. Sometimes we do not like some of the comments we get, but we need to listen to them. He thanked the staff for their efforts and willingness to do the things that are not necessarily always pleasant to do. They are doing a good job and we appreciate it.

**Bonnie Hill:** Bonnie reported she has heard nothing but great things about the splash

pad. She thanked Tony. She has seen a lot of people using it.

She thanked Brenda for including the Home Occupation Ordinance in the packet and asked that it be one of the first ones we look at and if it can at the next meeting. Reading through it, with the Covid-19, it is outdated.

The fair board meeting is here tomorrow at 4:00 p.m. The Agenda right now is to discuss whether there will be a fair this year.

Bonnie asked Brenda if she has looked at the software. Brenda reported she has tried three times, but we cannot check with the State to see if they will reimburse the City for it. The invoice has to be sent in, and they have a committee that will review it. Brenda is working on some invoices to send in now. Funds have been allocated for each city. Brenda suggested seeing where we are with the Budget, purchase it and then send the invoice in. Bonnie asked if we have turned any invoices in yet. Brenda reported she is working on it at this time. Bonnie asked if Brenda would report on it at the next meeting. Bonnie reported we have the Budget coming up and she would like to work with Brenda to get a feel for what the accounting software will be and if it will work for us. Even if we are not reimbursed, we need to have it in the budget. Mayor Nielsen agreed.

Last week, Bonnie went to the three-day FEMA workshop. FEMA is releasing a floodplain update in July of this year. We missed the deadline to adjust ours, but she will be working with people from the County and State to get numbers for the budget. There are things we need to do to revise our plan. She wants to make sure those people who are affected, which are a lot of people in town, are getting the best possible outcome in that area.

Bonnie asked about an update on the Lothrop house. Mayor Nielsen reported he has talked to one of the people involved, and we are just going to have to let it run its course. It is another legal nightmare. We have started the process with registered letters, but we need to do it step by step. We are trying to get it taken care of.

Bonnie asked Brenda for some invoices. Brenda reported documents need to be requested, as we talked about, by the entire council on the agenda by vote. This information came from Jerry Mason. Mayor Nielsen agreed. The documents can be reviewed at the office. It would take a large amount of time to scan all the invoices.

Bonnie asked Brenda if we got the Livestock Ordinance codified. Brenda reported the ordinances are at the codifier now.

**Daniel Wilson:** Dan reported we are getting ready to chip seal on the 11th, and asked if

notices have been sent to people with cars along the road. Tony reported he put notices on cars today. He will check today and Thursday and put notices on any others parked on the street. Dan stated it is difficult to get around the cars. Tony reported it was also in the newsletter.

Dan thanked the employees for all they do and for getting the splash pad.

**Grant Johnson:** Grant reported he is working with a group on the airport to see if he

can get some things going. Grant told John Cutright his name is on the list and he will be contacted. He also invited anyone else who is interested to participate.

Grant asked if we have heard anything about the building reface. Tony talked to them about three and one-half weeks ago, and they said they were about two weeks out. Their main supervisor quit, and they had to hire a new one. Tony said they have been busy with other projects, and he has not had a chance to get with him again. He will try to talk to them again.

Grant thanked Tony and Matt for the work they had done on the splash pad. We are not necessarily done with it. If there are some things the community would like; improvements around it or even extended, as the budget allows. We are open for suggestions.

Brenda and Selena have a handful with the Covid-19, and he appreciates them.

Grant stated one thing that really frustrates him with the animal ordinance is the Facebook comments. He read some of the first comments and then he shut it off. There is a lot of half information and misunderstandings. Through this whole thing, he does not know of one council member being approached about it. Mayor Nielsen has called people in and talked to them. We are elected to do what the citizens want to do.

Louise Cummings said she was told no when she asked if she could contest the animal ordinance requirements. That shut the door to her. There may be other people who have had that experience.

Grant stated he feels a good realtor would inform buyers of some of these things.

Louise told the realtor she was excited to have her alpacas and the realtor said they have some weird rules, but there are three horses right down town, which she is sure is the knee deep horses, so she couldn’t imagine there would be anything wrong with it. Louise is just looking at some commonsense solutions.

Grant stated it is just being a good neighbor. There are a lot of good people in this town.

**Mayor Nielsen:** Mayor Nielsen reported we are going to finish the remaining front of

the building. The project was budgeted for this year. With Covid-19, money coming into the City will be less than we normally receive. We do not know the percentage currently. As a council we are trying to be careful spending our money. Mayor Nielsen is on a conference call two or three times a week with the Covid-19. We still have the office door locked to protect our employees. Apart from a couple of people, everyone has been good about it. If you do need to come in the office, call and make an appointment, and we will let you in.

Tony and Matt did an excellent job on the splash pad. It would have been nice to see as many comments on Facebook about the splash pad as there were on the animal ordinance. We are looking to make improvements. If anyone has suggestions, bring them to us.

Mayor Nielsen expressed appreciation to Brenda and Selena for their hard work and the other employees and council members. He also appreciates the citizens.

**ACTION ITEM** **- Adjournment Dan Wilson moved to adjourn, seconded by Bonnie**

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

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

**Rex Nielsen, Mayor**

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

**Brenda Kay, Clerk**