**MINUTES**

**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, NOVEMBER 12, 2019**

**7:00 PM**

**ATTENDANCE:** Rex Nielsen, Dan Wilson, Tony Hancock, Grant Johnson, Council

President, Gary Barnes, and Brenda Kay.Mayor Dennis Phillips was excused.

**PATRONS:** Bonnie Hill, Barbara Hill, John Hyde, Brent and Cheryl Brown, Mel and

Margie Hansen, Dianna Burden. Officers Taysom and Radmall, from the

Bannock County Sheriff’s Office arrived late.

**Call to Order:** Council President, Gary Barnes called the meeting to order at

7:00 p.m. and welcomed everyone.

Grant Johnson offered the invocation and led the group in the Pledge of

Allegiance.

**Reading of Agenda:** President Barnes read the Agenda through Accounts

Payable. We will go to this point and see if the law enforcement officer arrives.

**ACTION ITEM - Approve Minutes:** **Dan Wilson moved to approve the Regular**

**Minutes of the Downey City Council of October 8, 2019, seconded by Rex Nielsen, all voted aye, motion carried.**

**ACTION ITEM** **- Approve Accounts Payable:** **Grant Johnson moved to**

**approve Accounts Payable for November 2019, seconded by Dan Wilson, all voted aye, motion carried.**

**Law Enforcement:** Officers Taysom and Radmall, from the Bannock County

Sheriff’s Office asked the Council if they had any questions. President Barnes asked if there have been any reports of glass being broken in the community. The officers had not heard of any. Brent Brown asked about the attempted break in at The Church of Jesus Christ of Latter-Day Saints. One of the windows was etched. Neither Officer heard about the church incident, and they were unsure if it was reported. They will check into it and add some extra patrols to the area.

President Barnes finished reading the Agenda. He reported we have not received the Election results from the County at this time, so the Council will be unable to accept the results tonight. The Livestock and Animal Control Ordinance will not be reviewed as the city attorney had a family emergency and was unable to get us the Ordinance.

**Comments from the audience on Agenda items only:** There were no comments.

**ACTION ITEM – Light Up Downey and Sub for Santa Donations – Dianna Burden from the Downey Chamber of Commerce:** Dianna

Burden reported the Downey Chamber of Commerce has volunteered to help with the Light Up Downey dinner. She asked if the City was going to charge for the dinner. The Council agreed not to charge for the dinner when it was discussed in October. Dianna asked if a jar can be set out for Sub for Santa donations, and the council agreed to her request.

**ACTION ITEM – Consider leasing City property for a proposed grocery store and providing the water and sewer hookups at no charge:** The council discussed the possibility of a grocery store in Downey. Kim

Collings would like to see a grocery store up and running in 60 days; however,

the Council does not feel this is possible.

The clerk talked to the City Attorney, Steve Fuller, about the possibility of the City leasing property for the grocery store. The attorney confirmed the City can lease the property. He cautioned the City about not showing favoritism to one business over another. He also suggested adding conditions to a Lease Agreement to protect the city if the business were to fail or be sold, along with the term of the lease, etc. He also counseled the City not to be involved in promoting the business, especially if Kim is considering a co-op type of business which involved community members investing in the business. If the Council has any questions, the City Attorney is available by telephone to answer them.

Rex Nielsen would like to talk to the attorney about Kim’s proposal. Kim would like to have a co-op in which community members would invest in the grocery store and spend time stocking shelves and cleaning. Dan Wilson has talked to a few community members, and they would like to have a grocery store, but they are not interested in investing in it. Kim asked the City to do an impact study and pay for it. However, the City cannot be involved in any of the planning process.

Kim wants to lease the property north of Shadow West from the City. He has also considered checking into the building across the street from the City Office and the Shadow West building. He doesn’t really want to purchase a building. Kim has considered leasing a modular building and putting it on the City’s property, if the City is willing to lease the property. If the business failed, the company would come and get the modular building.

Mel Hansen reported he would like to have a grocery store but does not feel good about the City having City property tied up in a lease.

Kim Colling has considered both a co-op and getting investors. Brent Brown stated a city can offer tax breaks and utility breaks. He does not feel it is legal for the City to lease property to a private enterprise; however, the City Attorney confirmed it is something the City can do.

The council agreed it is up to Kim to get the ball rolling. The City can’t promote the project. The Council can consider leasing property to Kim and providing utility hookups. Until further information is received, no decisions can be made. The Council will also need to meet with the City Attorney. Rex Nielsen will contact Kim Collings.

**ACTION ITEM – Consider approval of Business Licenses for K & M Professional Cleaning (Kay Taloney and Melissa Peterson), Keepsake Cottage (Stephanie Christensen) and Downey Home Repair (formerly “Al’s Handyman Service” – Alan & Catherine August): Rex Nielsen moved to approve the Business Licenses for**

**K & M Professional Cleaning and Keepsake Cottage and approve the name change of Al’s Handyman Service to Downey Home Repair, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of Alcoholic Beverage Licenses for The Mart: Rex Nielsen moved to approve the Alcoholic Beverage Licenses**

**for The Mart, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of cleaning and painting the Downey Community Center:** Rex Nielsen thanked the Auxiliary ladies who

cleaned the Community Center. It looks nice. Rex informed the Council the two chest freezers in the building are junk and suggested the City get rid of them. The range is also in bad shape. The bottom of the oven is full of grease. He does not think it can be cleaned. Rex is also concerned about the wiring not being up to code.

The council discussed painting the inside of the Community Center. Rex would like to have the paneling painted. The walls are not in good shape under the paneling. Tony will look at the paneling that is loose to see if it can be fixed. The pantry also needs to be cleaned out.

Rex suggested having someone clean the building once or twice per month. It needs to be kept up. K & M Cleaning was suggested to clean the building. It was mentioned that the vacuum, broom, and mop all need to be replaced. The Council agreed checking with someone about the cost of cleaning. Tony will check on the cost of paint.

Rex mentioned the podium was taken from the Senior Center, so we need to look at purchasing another one.

**Grant Johnson moved to approve painting and cleaning the Downey Community Center, seconded by Rex Nielsen, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of renting or purchasing a propane tank for the Downey Community Center:** It was suggested a tank be purchased. The council

feels it will be cost saving in the long run. Grant reported a new 500-gallon tank

is about $1,100 and $2,200 for a 1,000-gallon tank.

**Dan Wilson moved to approve purchasing a propane tank for the Downey Community Center, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of the annual Christmas dinner:**

**Grant Johnson moved to approve the Annual Christmas Dinner on December 10th, at Downata, following the City Council meeting, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider acceptance of the November 5, 2019, election results:** The election results have not been received from Bannock

County.

**ACTION ITEM – Consider approval of purchasing new telephones and two new office chairs for the City Office:** **Dan Wilson moved to approve purchasing new telephones and two new office chairs for the City Office, seconded by Rex Nielsen, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of a $1,000 donation to the Downey Elementary School for a Physical Fitness Program and playground equipment from the proceeds received from the Mayor’s Walking Challenge completed by Selena Guthrie:** The clerk

reported Selena Guthrie was able to participate in the Mayor’s Walking Challenge for Mayor Phillips. She completed the challenge and the City will be awarded $1,000 to donate to Downey Elementary for physical fitness related programs and equipment.

**Dan Wilson moved to approve the $1,000 donation to the Downey Elementary School for a Physical Fitness program and playground equipment from the proceeds received from the Mayor’s Walking Challenge, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of organizing a new Tree City USA Committee and Chairman for the City of Downey:** The clerk reported

Marsha Elmore has decided not to chair the Tree City USA Committee this year.

The City needs to organize a new committee and chairperson.

**Dan Wilson moved to approve Mel and Margie Hansen as the Tree City USA Chairpersons and to assign additional members as a Committee for the City of Downey, seconded by Rex Nielsen, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of the Livestock and Animal Control Ordinances:** The Ordinance is not ready for approval.

**REPORTS**

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

* The spring flow coming to the water tanks is 74 gpm and 250 gpm up the Canyon. Extra water is no longer being sent to the sewer lagoons.
* Some prep work is being done for the splash pad. Some excavation and plumbing will be done, if the weather permits, Richard Austin will pour the concrete. Tony and Matt Henderson are still working on putting the parts together.
* The State has given the City some free gravel, and we will be purchasing rejects and chips.
* The work on the Beauty Shop is finished and Wendy John has moved in. The clerk reported both Wendy John and Robin Nielsen need to sign the leases.
* Tony and Matt have been going through the Christmas decorations and will be putting them up in the next week or two.
* The City is almost finished with water sales for construction projects. Most of it has been paid for. The big project on the freeway is still using water.
* Doug Moyle is going to service all the furnaces for the City. The Community Center furnace had to be worked on Friday and is still acting up. Doug will be working on it tomorrow.
* The bill from PSI on the dumpsters for clean-up day was incorrect, and it will be adjusted.
* Pacific Steel brought a dumpster down and the steel has been loaded; however, the price is down quite a bit.

**Brenda Kay:** Brenda asked if the regular holiday closers we have done in the past

are okay to do this year. The dates include November 27, 28, 29, and

December 24, 25, 26 and 31. The Council is fine with the closure dates.

The five-year airport plan has been completed and sent into the state.

The City received a flyer for the census jobs available. It has been posted in the City office window.

The police report is available for review by the Council.

Brenda reported she has been a Notary for several years, and it is up for renewal. The Notary is good for ten years. Brenda is not planning to work for more than five years and suggested Selena Guthrie get her Notary rather than Brenda. The Council agreed to have Selena do it if she is willing to. We have quite a few people that come in to have documents notarized.

**Gary Barnes:** Gary thanked the staff for all they do and for the help they provide the

community. He also expressed appreciation to the community members for coming to the meeting and providing input. We have a good community and we need to do all we can to support it. There is cleanup work that needs to be done, and this is something we are working on accomplishing. He thanked the council, and all the staff.

**Rex Nielsen:** Rex Nielsen asked about someone turning on the lights for Light Up

Downey. Colleen Baker was suggested. Rex will plan on going to the elected officials training and Gary stated he will also.

Dan and Rex talked to Tad Bybee about being a Code Enforcement Officer for the City. Tad does not want to do it. Tad suggested having an officer from the Inkom Police Department. McCammon is doing this. Dan talked to the McCammon Mayor, and she said he was doing a great job for McCammon.

Rex also talked to Tad about getting him a jacket or something to identify he is the Animal Control Officer. Tad suggested a badge instead. Tad has information on a place where a badge can be purchased. He will come and talk to Brenda about getting the badge.

Rex will be asking a lot of questions about things in the coming weeks. He wants to be prepared to fill his position as Mayor.

**Daniel Wilson:** Dan thanked Brenda, Selena, Tony and Matt. He appreciates them

keeping things going and keeping the council informed about what is going on.

Dan would like to see someone else take over the Neighborhood Watch Program. The clerk will put something in the newsletter about it.

**Grant Johnson:** Grant also thanked everyone for all they do.

Tony reported he has been asked about extending the middle berm at the Shooting Range. He has had several people ask about it. The state said they will bring in their big loader and do a lot of the work if we decide to do it. It will take out the 150-yard range if they extend it. Dan suggested checking with Lonnie Jones. Dan would also like to see the berm be a little bit higher. The council agreed to do this. They want the range to be safe.

Brent Brown asked if the City has a budget for street lights and if there is a program in place to add more lights. He suggested the more lights we have, the better off we are. When he goes out, there are a lot of dark streets. He reported in another city he lived in, the city gave discounts on utility bills to citizens who kept yard lights on.

**Mayor Phillips:** Excused.

**ACTION ITEM – Executive Session pursuant to Idaho Code Section 67-2345(1)(b): Grant Johnson moved to enter Executive Session pursuant to**

**Idaho Code Section 67-2345(1)(b), at 8:43 p.m., seconded by Gary Barnes, by roll call vote: Rex Nielsen, aye; Dan Wilson, aye; Grant Johnson, aye; and Gary Barnes, aye; motion carried.**

**Rex Nielsen moved to return to Regular Session at 8:52 p.m., seconded by Dan Wilson, by roll call vote: Rex Nielsen, aye; Dan Wilson, aye; Grant Johnson, aye; and Gary Barnes, aye; motion carried.**

**Dan Wilson moved to approve a Christmas Bonus for Tony Hancock and Brenda Kay in the amount of $500.00 each, for Matt Henderson and Selena Guthrie, in the amount of $300.00 each, for Tad Bybee in the amount of $200.00 and Kelly Dahlke, in the amount of $50.00, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM** **– Adjournment: Dan Wilson moved to adjourn at 8:56 p.m.,**

**seconded by Grant Johnson.**

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

**Gary Barnes, Council President**

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

**Brenda Kay, City Clerk**