**MINUTES**

**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, OCTOBER 8, 2019**

**7:00 PM**

**ATTENDANCE:** Rex Nielsen; Gary Barnes, Council President; Dan Wilson; Matt

Henderson; and Brenda Kay.Mayor Dennis J. Phillips was excused.

**PATRONS:** Bonnie and Barbara Hill, Bonnie and Terry Beck, Larry and Dianna

Burden, Linda Brim, Marsha Elmore, Marianne Howe, Cherolynn Day, Bob Zanine, Larry Morrison, Jeramie Hatch, and Officer Steele, from the Bannock County Sheriff’s Department. Starr and Alan August arrived after the meeting started.

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

7:00 p.m. and welcomed everyone.

Matt Henderson offered the invocation and led the group in the Pledge of Allegiance

**Reading of Agenda:** President Barnes read the Agenda.

**ACTION ITEM - Approve Minutes:** **Grant Johnson moved to approve the**

**Minutes of the Regular Meeting of the Downey City Council of**

**September 10, 2019, and the Special Meeting of September 25, 2019, seconded by Rex Nielsen, all voted aye, motion carried.**

**ACTION ITEM** **- Approve Accounts Payable:** **Dan Wilson moved to approve**

**the Accounts Payable of October 2019, seconded by Grant Johnson, all voted aye, motion carried.**

**Law Enforcement:** Officer Steele reported things have been quiet in Downey,

which is typical now we are having cooler weather. President Barnes expressed appreciation for the police reports the City is receiving and thanked Officer Steele for coming.

**Comments from the audience on Agenda items only:** Larry Morrison

asked if individuals are required to live on the property where they have livestock in order to receive a Livestock Permit. In the City’s current Ordinance, a resident does not have to live on the property they request a livestock permit for. Grant Johnson informed Larry the City has a moratorium on Livestock Permit at this time. It was suggested the new Ordinance require residents to live on the premise’s animals are housed on; however, this is unfair to those who have pastures throughout the community that use it for animals.

Larry does not feel it is fair to the property owners living next to the property animals are being housed on if the property owner is not living on the property so they can properly take care of the animals. In some cases, a property owner approving an applicant’s livestock permit does not even reside on their property.

The Council agreed it’s good to have the pastures eaten off for fire protection. They would like to have everyone be happy.

**ACTION ITEM – Consider approval of purchasing equipment from the Marsh Valley Senior Center:** The Senior Center Board will need a list of

the equipment and the price the City’s willing to purchase the equipment for. They will also need access to the office to retrieve items. There is not enough interest in the meals to leave the Senior Center open. There are a few groups and individuals who rent the building.

President Barnes reported the City is interested in some of the equipment, such as tables and chairs. The Council does not feel the City will need the convection oven or Univex mixer. The City Attorney advised the Council to make sure there is no lien on any of the equipment.

The following equipment will be purchased at the price listed:

 Microwave Oven $ 25.00

 Montgomery Ward Freezer 50.00

 100 Chairs 400.00

 12 Tables 240.00

 Two Burner Stove 150.00

 Four Burner Stove with Convection Oven 800.00

 Two Glass Refer. Cases 300.00

 Display Case 50.00

 Upright Crosley Freezer 400.00

 Approximately 350 gallons of Propane @ $1.49 521.50

 GE Refrigerator 50.00

**Rex Nielsen moved to purchase all of the equipment from the Marsh Valley Senior Center, except for the convection oven and the Univex mixer, in the amount of $2,986.50, after the City has confirmed with the City Attorney that the City is okay to purchase the equipment, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of cost to rent the Community Center:** **Dan Wilson moved to approve renting the Downey Community Center**

**building for $35.00, the building and kitchen for $50.00 and the dance classes for $50.00 per month, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of providing donuts, cider, paper products and a prize for the best decorated trunk for the Downey Trunk or Treat on October 31st: Dan Wilson moved to approve**

**the donuts, cider and paper products, and a $25.00 gift certificate from Valley Oil Company as a prize for the best decorated trunk for the Downey Trunk or Treat on October 31st, seconded by Grant Johnson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of Business Licenses for Jeramie Hatch, Alan & Starr August for Al’s Handyman Service and Oliver and Dean Moser:** Jeramie Hatch reported he is not ready for his Business License

for a used car lot to be approved at this time, as he is still waiting for his State license to sell vehicles. The Council expressed concern about the site becoming a junk yard for cars. Jeramie will have a variety of cars at different price levels and assured the Council he will keep the area nice. The Council asked if Jeramie will talk to the owner of the property about cleaning up the piles of junk on the property. Jeramie agreed to talk to him. The owner cleaned one building out and some of the junk came from it. Jeramie has planted new grass and has been watering it. The Council asked if they will keep it cleaned up as it is the first thing seen when one drives into town. Jeramie agreed and reported the vehicles sales will probably be licensed as a different business than his farm equipment repair business.

Alan August reported he would like a license for his handyman service so he can do work here in Downey. Concern was expressed about left over building products being piled up at his residence; however, Alan assured the Council this will not be the case.

**Grant Johnson moved to approve a Business License for Al’s Handyman Service, seconded by Rex Nielsen, all voted aye, motion carried.**

As required by the Council, Oliver Moser has been certified by the State to sell raw milk. He also wants to sell milk products, eggs, and occasional livestock (calves). Oliver’s father, Dean Moser has a Livestock Permit for two cow/calf pairs.

**Dan Wilson moved to approve Oliver Moser’s Business License to sell raw, unpasteurized milk and milk products, eggs, and occasional livestock (calves), seconded by Rex Nielsen, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of dinner, Santa and treats for Light Up Downey:** In the past, the Marsh Valley Senior Citizens has provided a

meal for Light Up Downey. The cost has been about $1.50 for a bowl of soup, a dinner roll, punch and a cookie. Since the Senior Center has closed, the Council discussed providing a dinner. The clerk suggested purchasing bags of frozen soup from Costco, along with rolls and cookies. She will be happy to help with warming the soup and setting up the Community Center. Dianna Burden reported the Downey Chamber of Commerce is willing to help with the dinner and perhaps share the cost with the City. She will need to get approval from the Chamber Board.

**Rex Nielsen moved to approve providing the Light Up Downey dinner free of charge, and share the cost with the Downey Chamber of Commerce, along with having Santa and providing treats for the children for Light Up Downey on December 2nd, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of the Animal Control and Livestock Ordinances**: The Council reviewed the Ordinance. The following

changes and/or additions will be recommended to the City Attorney:

* Add a requirement that anyone who files a complaint against a dog or livestock must be willing to sign the complaint.
* Add language allowing a short-term use permit for livestock to graze pastures or lots. The time frame the property may be grazed, and the number of animals allowed to graze will be set by the City Council.
* Add language stating the first violation against the Livestock or Animal Control Ordinance will be a Warning. If the violation is not corrected within ten days, an Infraction will be issued. In addition to the Infraction, a $100 fine will be charged per day the person is in violation of the Ordinance.
* Add language stating all property owner’s adjacent to the property containing livestock must sign the “Application for Livestock Permit” and state whether they approve or disapprove the Application. If they disapprove the Application, they must state why. This will be in addition to the requirement of signatures from 75% of the property owners within 400 feet of the property boundaries where the livestock are contained.
* Livestock Permits will not be required to be re-done annually; however, the City Council will review them annually. Non-Commercial and Commercial Kennel Licenses will be required to be re-issued annually.

**Grant Johnson moved to approve the additional changes and clarifications to the Ordinance, seconded by Rex Nielsen, all voted aye, motion carried.**

**ACTION ITEM – Consider approval of hiring a Code Enforcement Officer:** The Council discussed the possibility of hiring a Code Enforcement Officer

and agreed to talk to Tad Bybee, our Dog Catcher, to see if he wants to be the Code Enforcement Officer. Dan Wilson and Rex Nielsen will talk to Tad.

**REPORTS**

**Matt Henderson:** Matt reported on the following items.

* The springs are flowing at about 343 gpm. No water has been turned out up Nine Mile yet, and the well has not been used. The excess spring water has been sent to the lagoons to fill the second pond prior to winter.
* Roto Rooter flushed the north section of the sewer mainline. There were no new problems.
* The City Park, RV Park and Dump Station have been winterized and closed. The Woodland Park restroom will be left open until after the Trunk or Treat on October 31.
* The earliest Smiley D’s will be able to get started on the City Building is late spring. Grant Johnson suggested doing a section of stucco and rock every year on the building.

**Brenda Kay:** Brenda reported there will be an AIC training on Friday, December 13th

in Pocatello for elected officials. She also provided a flier for a meeting and luncheon in Idaho Falls on November 13th for elected officials.

Mayor Brian Blad, from Pocatello, is running for another term as an ICRMP Trustee for Region 2. The Council has the option of nominating someone if they would like to.

Brenda checked with Naylor Insurance about insurance on the Community Center Building. We are getting the square footage of the City Building and checking for fire walls between the buildings.

Brenda asked if the propane needs to be filled at the Community Center. It will be considered at next Council meeting.

**Gary Barnes:** Gary reported it is good to see the dogs are all licensed for probably the

first time ever. He thanked each of the staff for the good work they are doing, and the efforts being made to take care of our community. The extra work being done for citizens is commendable. He also thanked those who come to the Council meetings and taking an interest in the community.

**Rex Nielsen:** Rex will try to attend the meeting on December 13th. He thanked

everyone for what they do.

**Daniel Wilson:** Dan thanked the staff and those attending the meetings. He asked

about the car lot on Highway 91. A letter was sent to the owner’s brother, but we did not receive a response.

Matt reported the owner of the Marsh Valley Equipment building called Tony Hancock about the City taking the metal pile he has. When Tony gets a bin from the recycling company, Tony will let him put the metal in the bin. Until that time, Tony does not want it laying around the yard.

**Grant Johnson:** Grant thanked everyone and felt it is easier to do what is best for the

community when there is input from the citizens. He appreciates the discussion from the Council on the Agenda items. He wants Brenda and Selena to understand they are included when they thank the staff for all they do.

**Mayor Phillips:** Not present.

**ACTION ITEM – Adjournment:** **Grant moved to adjourn at 9:29 p.m., seconded**

**by Rex Nielsen.**

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

 **Gary Barnes, Council President**

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

 **Brenda Kay, City Clerk**