**REGULAR MEETING**

**DOWNEY CITY COUNCIL**

**TUESDAY, MARCH 9, 2021**

**7:00 PM**

**ATTENDANCE:** - Mayor Rex Nielsen, Grant Johnson, Dan Wilson, Gary Barnes, Bonnie Hill, Tony Hancock, Selena Guthrie, Gary Barnes

**PATRONS-** Barbara Hill, Marcia Nielsen, Connie Johnson, Marcy Price, Megan Short, Jennifer Cooper, David Cooper, Jeff Fullmer- Bannock County Sheriff Dept., Trent Smith-Bannock County Sheriff Dept. and Amanda Jameson from Idaho Central Credit Union

**CALL TO ORDER:** **Mayor Nielsen called the meeting to order at 7:01 p.m. and welcomed those attending the meeting.**

Tony Hancock offered the invocation and led the group in the Pledge of Allegiance.

**ACTION ITEM - Consider Approval of the Agenda**

**Dan Wilson made the motion to approve the Agenda, seconded by Grant Johnson, 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.**

1. **Council Minutes** – February 9, 2021
2. **Accounts Payable** – March 2021

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

**Law Enforcement**

No business to discuss at this time.

The Mayor and Council thanked the Officers for their Service.

**DISCUSSION ITEM-** **Idaho Central Credit Union Presenting Banking Service Proposal for the City of Downey**

Banking Service Proposal Prepared For: City of Downey

BUSINESS ACCOUNT PROPOSAL We are pleased to provide this banking relationship proposal for the The City of Downey. Based on the information that was provided, the proposal was created to provide an option for you to consider when structuring the accounts. A further explanation of the recommend account structure can be found on the subsequent pages. The account dollar amounts, and terms can be flexible, based on the needs of The City of Downey. To accommodate any unforeseen needs for the funds, Idaho Central Credit Union is happy to provide a special penalty free, one time withdrawal for any Certificates of Deposit purchased through this proposal We are grateful for the opportunity to showcase the excellent product offerings Idaho Central provides. In addition to the financial products, Idaho Central allows us to provide world-class, personalized service to your business. The estimates provided in the proposal are effective through March 31, 2021.

ELECTRONIC BANKING SERVICES

eBranch Business Online Banking Manage your business accounts online anytime, anywhere. Business eBranch serves as your business financial management center. Business eBranch allows you to perform banking tasks from the comfort of your home, office, or on the road, day or night, seven days a week. eBranch is easy, safe, and convenient.

Some of the benefits of Business eBranch are:

* FREE No monthly or transaction fees
* Add and manage sub-users with unique online access credentials.
* View transaction history
* View front and back images of cleared checks
* Online eStatements
* Electronic bill payment
* Transfer money
* Set up eBranch alerts to notify you of important account activity.
* Customizable profiles and widgets

Bill Payment It's easy, it's convenient, and it's FREE! There is no special enrollment other than having your eBranch access set up. No need to write paper checks. Save on postage. Pay all your bills online using eBranch electronic Bill Pay.

Some of the benefits of electronic Bill Payment are:

* It's FREE! There are no monthly or transaction fees.
* Schedule bill payments directly from your ICCU checking account.
* Set up payments for recurring bills.
* Control which bills are paid, the amounts, and when the money should be deducted.
* Create and manager users with set permission levels.
* Ability to approve payments before they are sent.
* Pay multiple invoices with one payment.
* View reports and payment records

Remote Deposit Capture Remote Deposit Capture allows business members to scan\* checks to be deposited directly into their account: no need to come into a local branch. Deposits can be submitted 24 hours a day, 7 days a week.

Some of the benefits of the Remote Deposit Capture service are:

* Save time and resources while improving cash flow.
* Same-day credit deposits submitted before 5:30 pm
* View deposit reports and check copies from your computer
* No per item fees for scanned checks
* Low-cost alternative to branch banking \*Check scanner is required for processing. Scanners can be purchased through Idaho Central Credit Union.

Preferred Pay Preferred Pay enables business members to originate ACH entries through Business eBranch. This can be used for payroll direct deposit for your employees, recurring disbursements or collection of accounts receivable.

Some of the benefits of the Preferred Pay service are:

* Saves time and money by eliminating checks.
* Process payroll or accounts receivable quickly
* Assessable anywhere with an internet connection
* Ability to create internal dual control in transaction processing.
* Efficient, low-cost alternative to issuing payroll checks.

**Business Online Wire-** Business Online Wires enable business members to originate domestic wire transfers through Business eBranch. No need come into a local branch. This can be used as a fast way to move money electronically. Some of the benefits of the Business Online Wire service are:

* Saves time and money by eliminating checks
* Transfer money to another financial institution quickly
* Accessible anywhere with an internet connection
* Ability to create internal dual control in transaction processing
* Efficient, low-cost alternative to transferring money

Positive Pay Positive Pay is an automated fraud detection tool that monitors and protects your business account against unauthorized checks and ACH debit transactions. Protect your business accounts from fraud with Check Positive Pay, ACH Positive Pay, or both! Some of the benefits of the Positive Pay service are:

* Quickly identify fraudulent ACH or check transactions without going to a local branch or calling in
* Receive alerts for unauthorized posted checks and ACH debit transactions to review
* View posted check images online and return unauthorized items
* Customizable settings for authorized transactions
* Improves audit control
* Reduces disbursement risk
* Simplifies your accounts payable process

**RECOMMENDED CERTIFICATE OF DEPOSIT STRUCTURE**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type of Account** | **Ledger balance** | **APY** | **AVG. Monthly APY** | **Avg. Yearly APY\*** |
| **60 Month Certificate of Deposit** | $250,000.00 | 0.70% | $143.75 | $1,754.60 |
| (Insured through NCUA) |  |  |  |  |
| **60 Month Certificate of Deposit** | $250,000.00 | 0.50% | $102.70 | $1,252.35 |
| (Insured through ICCU) |  |  |  |  |
|  |  |  |  |  |
|  | $500,000 |  | $246.45 | $3006.95 |
|  |  |  |  |  |
| Total Average Annual APY\* |  |  |  | $3,006.95 |
| Total Accounts Earnings APY\*(over 5 year term) |  |  |  | $15,034.75 |

**CERTIFICATE**

**ACTION ITEM- Consider approval of Hiring a New Assistant City Clerk:** Jennifer Cooper has been offered a new job at Ireland Bank. Mayor Rex Nielsen has hired Kylie Cobabe to replace Jennifer Cooper as the Assistant Clerk.

**Gary Barnes made the motion to approve hiring a new Assisted City Clerk, seconded by Dan Wilson, all voted aye, motion carried**.

**ACTION ITEM – Consider approval of Arbor Day Proclamation****:** Mayor

Nielsen read the following Arbor Day Proclamation:

**CELEBRATE ARBOR DAY**

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I Rex Nielsen, Mayor of the City of Downey, Idaho, do hereby proclaim

April 30, 2021 as Arbor Day in the City of Downey, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 9th day of March 2021

Mayor Rex Nielson

**Bonnie Hill moved to approve the Arbor Day Proclamation, seconded by**

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

**ACTION ITEM- Consider approval of Darlene Criddle’s Noncommercial Kennel License for 3 Dogs**

**Bonnie Hill made the motion to approve Darlene Criddle’s Noncommercial Kennel License for 3 Dogs with the condition that if the rabies vaccinations are not done at the Downey Pet Clinic, May 5, 2021 the Noncommercial Kennel License will be taken away, seconded by Grant Johnson, all voted aye, motion carried**.

**ACTION ITEM- Consider approval of Waving the Sewer Fee for Downey Public Library**

Tony Hancock reported

The Downey Public Library would like the second sewer line waved. It’s an unnecessary cost to the organization.

**Bonnie Hill made the motion to wave the Sewer Fee for Downey Public Library, seconded by Grant Johnson, all voted aye, motion carried**.

**ACTION ITEM- Consider approval of** **Patrick Geiger’s New Business License, Total Living Carpet Cleaning**

**Dan Wilson made the motion to Patrick Geiger’s New Business License, Total Living Carpet Cleaning, seconded by Grant Johnson, all voted aye, motion carried**.

**ACTION ITEM- Consider approval of Donating to the Downey Chamber of Commerce Annual Easter Egg Hunt**

**Dan Wilson made the motion to Donate the sum of Two hundred dollars to the Downey Chamber of Commerce Annual Easter Egg Hunt, seconded by Bonnie Hill, all voted aye, motion carried**.

**ACTION ITEM- Consider approval of** **using American Legal Publishing to Host our Ordinances Online.**

**Bonnie Hill made the motion to table using American Legal Publishing to Host our Ordinances Online, seconded by Dan Wilson, all voted aye, motion carried**.

**ACTION ITEM- Consider Motion to Read the Title of the Amended Livestock Ordinance One Time**

**Bonnie HIll moved to suspend reading the proposed Ordinance on three different days and to have the Titles of the proposed Ordinances read once, seconded Dan Wilson, all voted aye, motion carried**.

Bonnie Hill read the Title of the Livestock Ordinance:

4‑3A‑2: PERMIT REQUIREMENTS:

1. The minimum area livestock are required to have is one-half (1/2) acre FENCED per large animal over 200 lbs., such as a Horse or Cow. Small animals are required to have one-half (1/2) acre FENCED per two animals; such as 2 sheep or 2 goats. Said fence must be adequate in preventing the animal from trespassing upon the property of others or annoying or chasing other persons.

4. Temporary Permit upon written application by a property owner within the City Council may issue a temporary grazing permit to allow livestock to graze within the City limits for a period of time set by the Council but not to exceed ~~six (6) months~~ one (1) year. The ~~member~~ number of livestock to be allowed shall be determined by the City Council. The applicant shall set forth in his or her application the reasons why he or she believes the temporary permit should be granted.

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~~ one (1) year or more, such existing use shall be deemed forfeited and future harboring of livestock shall require the permit as set forth herein. Provided further, however, that for those types of livestock which traditionally are seasonally pastured at places other than within the city limits, such ~~six (6) month~~ one (1) year time limitation shall be tolled during the period when said livestock are being pastured seasonally elsewhere. (2010 Code)

**Bonnie Hill moved to approve the Livestock Ordinance after reviewing the ordinance in full, seconded by Grant Johnson, all voted aye, motion carried**.

The Livestock Ordinance No. 2021-01

**ACTION ITEM- Consider Motion to Read the Title of the Amended Animal Control Ordinance**

**Bonnie Hill moved to suspend reading the proposed Ordinance on three different days and to have the Titles of the proposed Ordinances read once, seconded Dan Wilson, all voted aye, motion carried**.

Dan Wilson read the Title of the Livestock Ordinance:

4‑3‑4: COMMERCIAL KENNEL LICENSING AND REQUIREMENTS:

A. License Required; Compliance: An owner of a commercial kennel shall obtain a commercial kennel license according to the terms specified in this section. A maximum of five (5) dogs will be allowed per residence. A Commercial Kennel license must be renewed and reviewed annually by the City Council. No person may own or harbor a pit bull breed of dog.

C. License Nontransferable; Annual Renewal: Commercial kennel licenses shall not be transferable, and shall be subject to annual renewal and reviewal by the City Council as specified in section 4‑3‑3 of this chapter.

E. Permit Requirements: Permission of Adjacent property owners: That permission of seventy-five percent (75%) of neighbors within four hundred foot (400) radius of the place where the animals are to be kept is obtained by the Applicant and written confirmation of the permission is presented to the city council. Signatures of nearby property owners will be required on ~~an annual basis~~ an initial license application ~~before a Commercial License may be renewed~~; however, a Commercial Kennel License must be renewed annually in order for City Council to review such license to determine if all requirements have been met to maintain such license and if complaints by neighbors justify a hearing to revoke such license.

4‑3‑5: NONCOMMERCIAL KENNEL LICENSING AND REQUIREMENTS:

1. License Required; Compliance: The owner of a noncommercial kennel shall obtain a noncommercial kennel license from the Downey city office according to the terms specified in this section. A maximum of five (5) dogs will be allowed per residence. A noncommercial kennel license must be renewed and reviewed annually by the City Council. No person may own or harbor a pit bull breed of dog.

D. License Nontransferable; Annual Renewal: Noncommercial kennel licenses shall not be transferable, and shall be subject to annual renewal and reviewal by City Council as specified in subsection 4‑3‑3E of this chapter.

E. PERMIT REQUIREMENTS: Permission of Adjacent property owners: That permission of seventy-five percent (75%) of neighbors within four hundred foot (400) radius of the place where the animals are to be kept is obtained by the Applicant and written confirmation of the permission is presented to the city council Signatures of nearby property owners will be required on ~~an annual basis~~ an initial license application ~~before a Noncommercial Kennel License may be renewed~~; however, a Noncommercial Kennel License must be renewed annually in order for City Council to review such license to determine if all requirements have been met to maintain such license and if complaints by neighbors justify a hearing to revoke such license.

4‑3‑5: NONCOMMERCIAL KENNEL LICENSING AND REQUIREMENTS:

1. License Required; Compliance: The owner of a noncommercial kennel shall obtain a noncommercial kennel license from the Downey city office according to the terms specified in this section. A maximum of five (5) dogs will be allowed per residence. A noncommercial kennel license must be renewed and reviewed annually by the City Council. No person may own or harbor a pit bull breed of dog.

D. License Nontransferable; Annual Renewal: Noncommercial kennel licenses shall not be transferable, and shall be subject to annual renewal and reviewal by City Council as specified in subsection 4‑3‑3E of this chapter.

E. PERMIT REQUIREMENTS: Permission of Adjacent property owners: That permission of seventy-five percent (75%) of neighbors within four hundred foot (400) radius of the place where the animals are to be kept is obtained by the Applicant and written confirmation of the permission is presented to the city council Signatures of nearby property owners will be required on ~~an annual basis~~ an initial license application ~~before a Noncommercial Kennel License may be renewed~~; however, a Noncommercial Kennel License must be renewed annually in order for City Council to review such license to determine if all requirements have been met to maintain such license and if complaints by neighbors justify a hearing to revoke such license.

**Grant Johnson moved to approve the Animal Control Ordinance after reviewing the ordinance in full, seconded by Dan Wilson, all voted aye, motion carried**.

The Animal Control Ordinance No. 2021-02

**ACTION ITEM- Consider Motion to Read the Title of the Amended Water Service Rates and Regulations Ordinance**

**Grant Johnson moved to suspend reading the proposed Ordinance on three different days and to have the Titles of the proposed Ordinances read once, seconded Bonnie Hill, all voted aye, motion carried**.

Grant Johnson read the Title of the Amended Water Service Rates and Regulations Ordinance:

7-1-1: **APPLICATION FOR SERVICE; DEPOSIT REQUIRED**

1. Security Deposit Required; Exception:
2. A security deposit shall be required, by the applicant, of double the current utility bill, for each residence, building or lot and shall be deposited with the city clerk-treasurer.
3. This ~~water~~ security deposit for new applicants, excepting tenants, shall be returned one year from the date of deposit, provided the applicant has not been late on any payment, and all payments are current. If payments are not current, deposit may be applied to any past due payment. A water deposit made by a tenant shall not be returned until tenant vacates premises where he or she resides.

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

The Livestock Ordinance will be Ordinance No. 2021-03

**DISCUSSION ITEM- Nuisance Ordinance**

The Council reviewed the Ordinance. Discussion will continue in April’s meeting.

**Comments from the audience on Agenda items only**

**Marcia Nielsen representing Ireland Bank expressed how keeping the City Funds in Downey supports our local community. Local deposits let the bank loan to our local community.**

**REPORTS**

**Tony Hancock –**

Spring Flow is at 78. Snowpack is at 31 inches.

Sign Inspections will be competed in the month of March.

Tony and Matt categorized the trees in town in the behalf of an Arbor Day program.

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Tree trimming and tree maintenance will be done this month as well.

Tony had money left in the Christmas account and so he is going to wait for the Christmas decorations to go on sale and then purchase a few more.

**Selena Guthrie-**

**2021 Property Tax Reduction** (Circuit Breaker Program)

**Date:** March 10, 2021**Time:** 9:30 am- 11:30 am **Where:** Downey Community Center

No appointments necessary

Both software programs are up and running

Spring Training is in April

Please check your emails to find the law contract and our monthly statement for the Bannock County Meeting on March 18th @ 6 pm here at the Downey Community Center.

Jennifer’s last day was On Thursday, March 4th. Kylie started on Monday.

**Gary Barnes –**

Gary thanked the staff. The staff goes above and beyond the call of duty.

Gary thanked the council for all their help. He reported, he is doing well.

**Bonnie Hill-**

Bonnie thanked the staff for all they do.

Bonnie questioned Tony about purchasing a snowmobile to help complete his job. Bonnie suggested purchasing one, so Tony has the right tools for the job.

**Daniel Wilson-**

Daniel requested an update on the two nuisance properties in town. Mayor Nielsen replied, he will report on the following items.

**Grant Johnson-**

Thanked the Staff for all they do.

Grant asked about the email that was sent out about the Weekend Festival. Selena reported that Melissa Bowman would be attending the meeting in April to discuss the Festival.

**Mayor Nielsen-**

Mayor Nielsen and Tony met with Sallie and Pat Lothrop to discuss the cleanup efforts.

Mayor Nielsen thanked the staff.

**Mayor Nielsen: Excused. 8:48 p.m.**

**ACTION ITEM – Executive Session pursuant to Idaho Code Section 67-2345(1)(A): No Action was taken.**

**ACTION ITEM** **– Adjournment: Dan Wilson moved to adjourn at 9:07 p.m.,**

**seconded by Bonnie Hill.**

**APPROVED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Rex Nielsen, Mayor**

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

**Selena Guthrie, City Clerk**