**Minutes**

**SPECIAL MEETING**

**DOWNEY CITY COUNCIL**

**WEDNESDAY, JULY 29, 2020**

**7:00 PM**

**ATTENDANCE:** Mayor Rex Nielsen, Grant Johnson, Gary Barnes, Dan Wilson, Tony

Hancock, and Brenda Kay. Bonnie Hill joined the meeting by telephone.

**PATRONS:** Kirk and Marcelle Price, Ron and Sarah Matkin, Barbara Bybee and

Dallas Estudillo.

**ACTION ITEM: Public Hearing – Kirk and Marcelle Price, applicant and property owner, for approval of a Variance on the side property line set back from eight feet to five feet. The subject parcel is located in a Residential Zone on the South one-half of Lot 17, Block 54, Downey townsite, Downey, Bannock County, Idaho. The site that is the subject of the request is Parcel Number RPRDDOW023900:**  Mayor Nielsen called the public hearing to order. He asked

Maintenance Supervisor, Tony Hancock to report.

Tony reported he measured the property and it comes up a little different from either direction. One direction is about one to one and one-half feet off, and the other is about five to six feet off. It is close measuring the one direction. It is as close as he can get it because there are two different ways to measure. One is off the back of the sidewalk and the other is from the center of the road. It is not exactly five feet. It might be a little closer to the 8-foot setback than we think.

Mayor Nielsen asked the Applicant, Kirk Price, to present his proposal for the Variance.

Kirk presented the Council with a map of the site. He stated the property was purchased 12 years after his home was purchased. It is a separate lot he purchased from Mabel Salvesen. The fence lines up with Down Morrison’s fence who is in the next block. Her property was surveyed years ago when she and her husband purchased the property and their fence was moved so it was on the property line. From the old fence that was there when Kirk purchased the property to the existing fence was 25 feet. Rich Vaughan owned the house years ago and purchased one-half of the lot from Mabel at that time. Kirk later purchased the other half of the lot.

Kirk would like to center the building on the property. If he puts it eight feet from Matkins fence, it will be about four feet from his garage. This will cause several problems. With two buildings close together, snow piles up between them. When it melts, the water will run into the storage shed because the garage is a cinder brick building and solid. The other thing Kirk is worried about is if there is a five-foot space between the buildings, it will collect junk. Kirk is trying to clean his property up, now he is retired. If he has eight to eight and one-half feet between the shed and garage, he can park things off the street. He has a couple of trailers in storage, and it will give him a place to park them. His mother is getting older, and he has a couple trucks parked in her shed. When she passes, he will have to find a place to put the trucks. They will go on the side of the street, along with the trailers. He is trying to clean things up, get things off the street and make it presentable. He feels it will be a benefit to him and the City because his stuff will be off the street.

Mayor Nielsen asked who is putting the building up. Kirk stated he and his son-in-law will be putting it up.

Mayor Nielsen asked how tall it will be. Kirk stated the walls are eight feet tall. This will be a storage shed. He will not be parking any vehicles in it. It will mainly be for lawnmowers, four wheelers, and storage. The door will not be big enough to pull vehicles into.

Gary Barnes asked what the dimensions of the shed are. Kirk stated sixteen feet by thirty-two feet. He is asking for a five-foot setback instead of an 8-foot setback from Mr. and Mrs. Matkin’s property.

Bonnie Hill thanked Kirk for cleaning up his property. She asked Kirk why he is not matching the beginnings of the buildings? Kirk stated about three feet behind the proposed shed is a playhouse for his grandkids, so he cannot move it back. It is about a six by eight playhouse.

Mayor Nielsen asked for testimony in favor of the proposed Variance.

Dallas Estudillo stated he is for it.

Ron Matkin stated he is in favor of it.

Mayor Nielsen reported we received testimony by mail and read it. It is attached hereto and included testimony in favor from Ron Matkin, Dwon Morrison, Lou Ann Zilla, Tad and Karla Bybee. Sheila Stephens is neutral.

Mayor Nielsen called for testimony against the Variance. There was no testimony against the Variance.

Mayor Nielsen asked Kirk Price if he wanted to add anything.

Kirk Price stated he is meeting the 20-foot front and back setbacks. There are no utilities in the area.

Grant Johnson asked if there is any problem with insurance when the buildings are that close together. Kirk was unsure.

Mayor Nielsen closed the Public Hearing at 7:15 p.m.

**Dan Wilson moved to grant Kirk and Marcelle Price a Variance to install their shed according to the drawing they presented, seconded by Grant Johnson, by roll call vote: Gary Barnes, aye; Dan Wilson, aye; Grant Johnson, aye; and Bonnie Hill, aye; motion carried.**

Mayor Nielsen expressed appreciation to Kirk for completing the Variance process.

**ACTION ITEM: Cleanup of burned home debris located at 413 North Main:** Mayor Nielsen stated we are still checking on this. Either the Sheriff’s

Department or Fire Chief will have to declare it a nuisance. The Building Inspector also looked at the property, and we are waiting for his report.

Dan Wilson asked what the City is planning to do. Mayor Nielsen stated this is something we are looking at. We may have to clean it up and put the cost on the property owner’s taxes. Dan stated if the City cannot recoup the money, he is concerned about going onto private property to clean it up. From his experience at the road district, as soon as a tax entity crosses public property, they are cutting into private industry. Mayor Nielsen reported we will make sure our attorney is involved.

The clerk reported there is a process to follow, which is outlined in the City Nuisance Ordinance.

**ACTION ITEM:** **Consider approval of painting, and/or stucco and rock work on the exterior of the City Office Building:** Tony Hancock

provided bids to stucco another section of the building or to stucco the remainder of the building. The first bid is for the section right above the section we just did. The bid is for $5,880. The bid for the remainder of the building is $37,600. Tony thinks this is for both the upper and lower sections of the building.Grant mentioned we talked about just painting the upper portion. Tony reported he wanted to find out what the Council wanted to do prior to purchasing paint. Because the upper portion is in rough shape, Tony asked them to bid it.

The clerk reported we should have about $6,000 to $6,500 left in this year’s budget for the building.

Tony stated the contractor will fix the concrete under the windows, fill in the window spots so they are flat and flush, and fix any loose brick.

Mayor Nielsen asked if they could do the work this budget year. Tony will need to talk to the contractor.

**Bonnie Hill moved to approve the bid to complete the east side of the City Building as presented, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM: Consider approval of City email accounts:** Bonnie Hill

reported the Yahoo emails will replace the GoDaddy accounts and give the council members a downey.us email. The cost is $143 annually for 10 email addresses. It is $1.19 per month per email. If we pay it annually, we will get a discount. It will be a little less than that for six to seven emails.

When Bonnie talked to GoDaddy, with a two-year commitment the emails would be $1.67 per email, per month. A three-year commitment $124.

**Bonnie Hill moved to use Yahoo for our City email accounts, seconded by Grant Johnson, all voted aye, motion carried.**

Bonnie stated the lady from Yahoo said she can help us transfer our old emails from GoDaddy to Yahoo.

Grant asked what happens to the email account of a council member who is voted out and a new council member comes in. Bonnie reported the Yahoo representative told her they will rotate a new email in. Bonnie thinks this becomes a history for the City, but it will not be an active account. This was her understanding when she talked to the Yahoo representative.

Brenda stated we may need to have Bryce Hollingshead help us with this. Bonnie reported she will give Brenda the information from Kristin, at Yahoo. Kristin said it is easy for her to switch the emails over.

**ACTION ITEM: Consider approval of a donation to the Bannock County Fair Market Animal Sale (Keston Pallesen and Rietta Call):**

Grant Johnson stated he has a conflict of interest.

**Dan Wilson moved to donate to the Bannock County Fair Market Animal Sale for Keston Pallesen and Rietta Call for $50 each, seconded by Gary Barnes; Gary Barnes, Bonnie Hill and Dan Wilson voted aye, motion carried.**

**Budget discussion:** The clerk reviewed the Budget with the Council and Mayor.

The clerk will finalize the budget with the suggestions made by the Council and have it ready for the regular council meeting in August. After a lengthy discussion, the council agreed to increase property taxes by 1.5%.

**ACTION ITEM - Executive Session pursuant to Idaho Code 74-206(1)(b):**

**Gary Barnes moved to enter into Executive Session pursuant to Idaho Code 74-206(1)(b), at 8:34 p.m., seconded by Grant Johnson, by roll call vote: Gary Barnes, aye; Dan Wilson, aye; Grant Johnson, aye; Bonnie Hill, aye; motion carried.**

**Gary Barnes moved to return to Regular Session at 8:57 p.m., seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM - Consider Approval of Employee Wage Increases:**

**Grant Johnson moved to approve $2,500 for a code enforcement officer and offer a 3% raise for Tony Hancock, Matt Henderson, Brenda Kay, and Selena Guthrie, seconded by Dan Wilson, all voted aye, motion carried.**

**ACTION ITEM: Adjournment: Dan Wilson moved to adjourn at 9:06 p.m.,**

**seconded by Gary Barnes.**

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

**Rex Nielsen, Mayor**

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

**Brenda Kay, City Clerk**