

MINUTES
CITY OF LEWISVILLE REGULAR CITY COUNCIL MEETING
Wednesday, January 13, 2021
Lewisville Community Center, 3451 E 480 N, Lewisville, Idaho

Meeting was called to order by Mayor Judd at 7:06 p.m. at the Lewisville Community Center at 3451 E 480 N, Lewisville, Idaho. Present were Mayor George Judd, Council Members, Mark Williamson, C. James Ball, Linda Linsenmann and Brigham Briggs; City Attorney, Kris Meek; Clerk/Treasurer, Donetta Fife; Officer Mike Miller from the Jefferson County Sheriff's Department; Marvin Fielding from Keller & Associates; and residents Doug Walker, Roger Nield and Selina Lewis and visitor Nichole Peter from Idahoan.

ROLL CALL:

- Mayor Judd -- present
- Mark Williamson -- present
- James Ball -- present
- Linda Linsenmann -- present
- Brigham Briggs -- present

MINUTES:

- Minutes for the regular City Council meeting held December 9, 2020 had previously been distributed by the Clerk. Mayor Judd asked if everyone had received the minutes, all had. James moved that the Minutes be approved, Mark seconded, motion passed.

POLICE REPORT:

- Officer Miller presented the statistics for the current period of November 14, 2020 through December 11, 2020. There were 104 hours patrolling within the City with 10 complaints, 2 citations and 27 traffic contacts. Most of the calls were medical calls. One call indicated that shots had been fired. The investigating officer was there within 9 minutes and could not find supporting evidence.

MAINTENANCE REPORT:

- The city truck that is used to plow snow has developed some transmission problems and the Mayor has been working on it. It is functional again but is getting pretty old. The City needs to be on the lookout for a replacement. With the shop size we have, it would be best to get a truck with a single axle so it would fit inside during winter months.
- Gary is on vacation for a couple of weeks. Mayor Judd has hired Rex Tinker to plow until January 14, 2020 when Gary will be returning.

CITY ATTORNEY:

- Kris indicated that we don't have anything in the Court system presently.
- James asked for clarification of hourly wage for Council Members. Kris clarified that Council members are on a monthly salary with no minimum or maximum amount of hours required so hourly wage does not apply.

CITY SURVEY – RIGHT OF WAY TRANSFER:

- Kris has talked with Charles DeSpain about the transfer of property at 480 North and the railroad tracks. He indicated that he would be willing to work with the City on it.
- Kris has talked with Kevin Thompson and has received the legal plat of the City. Before he drafts a proposed Ordinance, he needs to know if the Council intends to convey the 16.5 feet of right of way to all property owners within the City or whether they intend to exclude certain pieces due to liability issues with the ditches. A partial transfer would require several meetings to determine which parcels would be included.
- Mark indicated that there are some serious liability issues with the ditch and he has talked to several people who would be deeded portions of property on which the ditch runs and they are not in favor of the transfer. Roger Nield also indicated that the ditch runs adjacent to his property on 493 North. The ditch already has some serious problems and he does not want the liability that goes with it. By deeding the 16.5 feet residents would then have the right to park trailers and personal things on the property as well as semi trucks and trailers.
- Kris researched the legality of fencing off the ditch where it will run on then private land and concluded that the ditch could not legally be fenced off from those who receive water from it.
- Mark also indicated that many citizens are not aware of the liability and tax increase that go with the transfer.
- Doug Walker indicated that several issues have come up that were not discussed in the public hearings and if we were to proceed, we should have another public hearing.
- Mayor Judd indicated that in the previous hearings we had 10 people speak in favor of it and 6 people who spoke against it. Mayor Judd also noted that if the property was to be transferred there could be an issue with residents parking commercial vehicles and trailers in front of their property. Some would move fences and some would not. It could become very unsightly and not the face that the Lewisville comprehensive plan wants to put forth.
- It was concluded that the City has gained benefit from the survey in that:
 - It has determined where the right of way actually begins and ends.
 - It has set a standard for measuring setback for building, etc. which was uncertain on road boundaries that have drifted since the original survey (approximately 130 years ago.) Kris reminded us that this is the issue that was to be addressed by the survey from the beginning.
 - The survey also places the City of Lewisville in a position to apply for a grant for sewer and traffic study as we now know where the roads should actually begin and end.
- Mark moved that we abandon the transfer of right-of-way property. There was no second. The motion died.
- James moved that we proceed with the Ordinance that would utilize the Thompson Engineering survey to transfer right of way property, Brigham seconded. A roll-call vote was taken. Mark – No; James – No; Brigham – Yes; Linda – No. The motion failed and the issue is now dead.
- Since the Council voted down the motion to create an Ordinance to transfer property, there remains a few issues that need to be resolved:
 - The DeSpain property that the City is encroaching on. Kris suggested that we schedule an executive session for February to discuss how to proceed on this matter.
 - This intersection poses a threat to safety since the stop sign was removed by the railroad. The Council instructed Mayor Judd to purchase and install a stop sign at the corner.
 - The stakes that are set on the intersections are out 16.5 feet from the actual corners. We need to determine whether they need to be placed on the actual corners of the lots.
 - The property transfer from John Jardine to William Bradshaw was not 1 acre as required under the Code. As a condition to granting a building permit to Joe Jardine, whose

property is adjacent to that of Bradshaw and was also deeded by John Jardine, the council stipulated that no certificate of occupancy could be issued to Jardine until the land transfer to Bradshaw is corrected to reflect a total of 1 acre.

James was excused from the meeting.

WASTEWATER FACILITY PLANNING STUDY:

- Marvin Fielding addressed the Council on the Proposal for Engineering Services which had been sent to the Council previously. It was determined that Donetta should send a Request for Proposals to the Star to be published on January 20 and January 27, 2021. Interested parties can contact Donetta through the clerk's e-mail account and receive the RFP. Completed Applications can be delivered electronically or in paper format to Mayor Judd as specified.
- Proposals will be received by Mayor Judd no later than 5:00 on February 3, 2021 and forwarded to Council members for review prior to the work meeting on February 8, 2021 at 7:00 p.m. when the applications will be evaluated. The contract for engineering services will be awarded at the regular City Council Meeting on February 10, 2021.
- Mayor Judd needs to send a letter of acceptance of the DEQ grant funds to Charlie Parkins.

CLERK/TREASURER:

- Donetta submitted a list of bills between December 10, 2020 and January 13, 2021. She asked if there were any questions. There were none. Brigham moved that the bills be paid, Linda, seconded, motion passed.
- The Broadband Grant for Households has been submitted and paid by the Department of Commerce. Connections to the broadband system and repair work will be finished as weather permits. Direct Communications is bound to follow through with the completion of the project as outlined in the MOU with the City of Lewisville.
- Requests for CARES funds under the Rebound Idaho initiative have been issued and we have received reimbursement of \$13,100 and initial review has been completed for the rest of the funds of approximately \$1,700.
- Donetta has been in contact with the Department of Building Safety with regard to the classification of cargo containers. She was informed that they are currently classified as temporary structures. If the City wants to stipulate a time when they need to be removed, it will need to modify the Code. The Mayor requested that this item be moved to the February Agenda.

MAYOR'S REQUEST:

- The issue of changing the speed limit to 25 mph was addressed in the December City Council and will be dropped unless additional information is obtained.

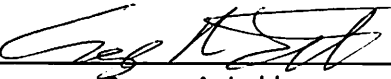
ROADS:

- The portable speed sign has been moved to Menan.
- The City of Lewisville may be eligible for a traffic sign grant after we have a traffic study. It would be good to have our own portable speed sign.

ADJOURNMENT:

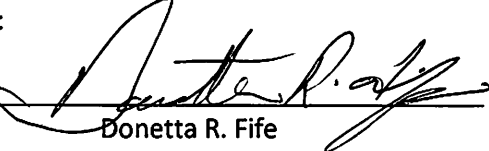
Mark moved that the meeting be adjourned at 8:58 p.m., Linda seconded, motion passed.

Minutes approved by the City Council of the City of Lewisville on the 10th day of February 2021.

Mayor 
George A. Judd

Date 10 Feb 2021

ATTEST:

Clerk 
Donetta R. Fife

Date 2-10-2021