

MINUTES
**CITY OF LEWISVILLE REGULAR CITY COUNCIL MEETING
AND HEARING ON DIRECT COMMUNICATIONS FRANCHISE AGREEMENT**

Wednesday, October 14, 2020

Lewisville Community Center, 3451 E 480 N, Lewisville, Idaho

Meeting was called to order by Mayor Judd at 7:09 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 and residents Curtis Thomas, Bob Donnelly, Roxie Ashbocker, Kourtney Ware, Betty and Darin Richards; Kevin Thompson of Thompson Engineering and George Swanson from FyberCom.

CALL MEETING TO ORDER – 7:09

ROLL CALL:

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

FRANCHISE AGREEMENT WITH DIRECT COMMUNICATIONS PUBLIC HEARING

- Attorney Kris Meek explained the purpose of a Franchise Agreement and the protection it offers to the Franchisee and to the City. The Franchise Agreement was published in summary on September 23, 2020 and September 30, 2020 in the Jefferson Star. An Encroachment Agreement was signed on September 9, 2020 allowing Direct Communications to begin work without waiting the 30 days required by law for a Franchise Agreement to become effective.
- Public Input – Curtis Thomas asked if there would be a franchise fee associated with the agreement. Kris explained what a franchise fee is and that there is very little upkeep on the property that is being used. Curtis also asked if we are obligated to hook up. There is no obligation to sign up with any carrier. The hookup access to the individual homes will be covered under the grant during the initial installation when property owners grant access. If they do not grant access and later decide that they want to hook up, there will be a charge.
- Mayor Judd opened the public hearing and asked for anyone who would like to speak for the Franchise Agreement. No one came forth. Mayor Judd then asked for anyone who would like to speak neutral. No one came forth. Mayor Judd then asked for anyone who would like to speak against the Franchise Agreement. No one came forth.
- James moved that the hearing on the Franchise Agreement with Direct Communications be closed, Mark seconded, motion passed.
- Brigham moved to move suspending the rules to read Bill (Ordinance) 2020-6 which would grant a Franchise Agreement to Direct Communications to install fiber optic cable in the City of Lewisville, on three different days and once in full in accordance with Idaho Code §50-902 and to read it in summary only once. James seconded. Roll call vote: Mark – yes, James – yes, Brigham - yes, Linda – yes. Motion passed.

James read the summary to Ordinance 2020-6. James moved to approved Ordinance 2020-6 granting a Franchise Agreement to Direct Communications, Linda seconded. Roll call vote: Linda - yes, Brigham – yes, James – yes, Mark – yes. Motion passed.

MINUTES:

- Minutes for the regular City Council meeting held September 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, Brigham seconded, motion passed.

POLICE REPORT:

- Officer Miller presented the statistics for the current period of August 22, 2020 through September 18, 2020. There were 67 hours patrolling within the City with 23 complaints, no citations and 14 traffic contacts. There was a prowler call and the officer was on the scene within 3 minutes but could not locate anyone. A couple of controlled burns and one report of gun fire close to the edge of town. The investigating officer was unable to find anything.
- The Council had requested that the 25 mph speed limit be enforced on streets where posted and that the 35 mph speed limit be enforced on streets where posted. They requested that citations be issued rather than just warnings and hopefully it will help resolve the speeding problem in town.
- Officer Miller checked on the information on the dog bite but still has not seen a report on it. He will contact the investigating officer to follow up.
- Roxie Ashbocker requested a portable speed sign be placed on 480 North so she can video the speeds of cars on that street. The Council agreed it would be beneficial to see if we can enforce the current speed limit to stop the speeding problem and determine in a month or so if anything further needs to be done.

BUSINESS LICENSE & COMMERCIAL KENNEL LICENSE RENEWAL

- Chris Hinckley appeared to have a renewal on his commercial kennel license and his business license. The current license provides for no more than 25 dogs over the age of 6 months. The renewal stated the same amount of dogs. No complaints have been filed with the Sheriff's Office at this time. James moved that Chris be granted a commercial kennel license and a business license for Teton Bird Dogs, Mark seconded, motion passed. Chris will bring the check to Donetta in the next few days.

ENCROACHMENT AGREEMENT WITH FYBERCOM

- George Swanson appeared representing FyberCom. The Council asked about some confusing solicitation that might be going on with residents about the fiber that is currently being installed by Direct Communications. George indicated that they had signed up 2 new customers on the wireless network since the last meeting but was unaware of anything else. James moved to approve the Encroachment Agreement with FyberCom granting them access to the right of way on 480 North to provide fiber to two of their current customers, Brigham seconded, motion passed. A Franchise Agreement with FyberCom can be introduced in December and a hearing can be held in January of 2021 prior to the expiration of the Encroachment Agreement.

CITY SURVEY

- Kevin Thompson of Thompson Engineering addressed the Council and indicated that they had finished the field work on the city-wide survey. He noted a couple of problems that exist, one where the road curves onto 480 North by the railroad tracks and the other on a roadway that was supposed to have been vacated but he is not finding the proper documentation for it. James

indicated that the property owner has the paperwork. Kris will contact the other property owner about a land swap with the piece of property being vacated. Both instances were created when the railroad was put through town and it cut through the right of way and personal property.

- There was discussion on problems that may arise with individual property owners and a discrepancy of their assumed property lines not being in alignment with the current survey, which is based off of the original survey done in 1889. Kris will put language in the deed to resolve that problem. At that point he can do a legal description to cede property from the right of way.

VISITOR

- The maintenance person for the Lewisville Cemetery Distract has approached Mayor Judd about obtaining the sickle-bar mower which the City no longer uses. James moved to declare the sickle-bar mower as surplus property and that the City of Lewisville donate the mower to Lewisville Cemetery District, Mark seconded, motion passed.
- Kourtney Ware of Forsgren & Associates wanted to know if we were interested in doing a transportation plan and traffic study. The City has already contracted with Keller & Associates to submit that study for this year.

CLERK/TREASURER

- Donetta submitted a list of bills between September 10, 2020 and October 14, 2020. She asked if there were any questions. There were none. James moved that the bills be paid, Brigham, passed, motion passed.
- An update of the FY 2020 budget year-end analysis was given. Under revenue she noted that there had been an error in calculation by the State Tax commission on the distribution of sales tax revenue that was distributed. With the correct calculation, the City will start with a deficit balance of \$5,094.37 against distributions to be made in FY 2021. After deducting that amount from current earnings, the City spent \$19,744 less than it received and should be right on budget for FY 2020. The year-end report should be ready before the end of the month.
- Donetta has a meeting with the Department of Commerce to give a report on the progress of the Broadband Grant for households the first part of November.
- The Council considered the draft of a postcard to residents reminding them to be good neighbors when removing snow, indicating it should not be piled in the right of way, in the street or on neighboring property. It also addressed storing debris and items on their property and encouraged them to check the city website for code requirements and current news. Council members made suggestions. The postcards will be mailed next week.
- Donetta was instructed to make a list of the franchise agreements with companies having access to the City's right of way. The information is very sketchy and she has been in communication with Kris in order to get current copies from the companies.
- CARES Reimbursement to Cities. We have received one reimbursement and another will be submitted soon. Also we will submit for pre-approval of iPads for Council to hold city documents and zoom meetings.

MAYOR REQUEST

- Mayor Judd took input on cargo containers on private property. After some discussion, Brigham moved that the matter be tabled and that it be put on the agenda for November, Mark seconded, motion passed.

BEAUTIFICATION

- It has been brought to our attention that some residents feel it would be appropriate to have some holiday decoration at the Community Center. The Council authorized Donetta to purchase a large lighted wreath to be placed on the south eve of the Community Center.

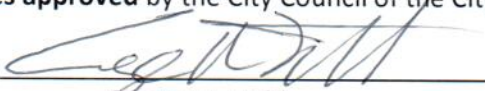
ROADS

- Mark indicated that there has been some damage to roads due to fiber installation. At this point they are just trying to get the fiber in and the road damage will need to be addressed next year when it is warmer.

ADJOURNMENT:

Brigham moved that the meeting be adjourned at 9:27 p.m., James seconded, motion passed.

Minutes approved by the City Council of the City of Lewisville on the 11th day of November, 2020.

Mayor 
George A. Judd

Date 11 Nov 2020

ATTEST:

Clerk 
Donetta R. Fife

Date 11-11-2020