

MINUTES
CITY OF LEWISVILLE REGULAR CITY COUNCIL MEETING
Wednesday, November 10, 2021
Lewisville Community Center, 3451 E 480 N, Lewisville, Idaho

The meeting was called to order by Mayor Judd at 7:11 p.m. at the Lewisville Community Center at 3451 E 480 N, Lewisville, Idaho. Present were Mayor George A. Judd, Council Members James Ball; Linda Linsenmann, Mark Williamson and Brigham Briggs; City Attorney, Kris Meek; Clerk/Treasurer, Donetta Fife; Sheriff Steve Anderson and Officer Mike Miller from the Jefferson County Sheriff's Department, residents and non-residents.

ROLL CALL:

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

PLEDGE OF ALLEGIENCE – Brigham Briggs

MINUTES:

- Minutes for the rescheduled City Council meeting held October 20, 2021 had previously been distributed by the Clerk. James moved that the Minutes be approved, Mark seconded, motion passed.
- Minutes for the work meeting of the City Council held November 3, 2021 with the Jefferson County Planning & Zoning had previously been distributed by the Clerk. James moved that the Minutes be approved, Mark seconded, motion passed.

POLICE REPORT:

- Officer Mike Miller from the Jefferson County Sheriff's Department reported that in the period between September 18, 2021 and October 15, 2021, there were 120 hours logged within the City, 7 calls, 1 citations and 16 traffic stops.
- With regard to the Council's question on a breakdown on types of traffic stops, he indicated that they are all listed as traffic contacts. He can provide a breakdown on citations issued.
- Sheriff Anderson presented the revised contract for services for the City of Lewisville with the Jefferson County Sheriff's Department for FY 2022. He commended the City Attorney on his diligence on behalf of the City in clarifying issues in the Contract. The Contract was signed by the Mayor, Clerk and Sheriff Anderson. They will send a signed copy to the City after it signed by the County Commissioners.

James moved that Chris Hinckley's application for a kennel license and business license be moved up, Mark seconded, motion passed.

CHRIS HINCKLEY BUSINESS LICENSE AND KENNEL LICENSE FOR TETON BIRD DOGS:

- For the business license, Chris just needs to submit the yearly application and it can be signed by the Mayor.

- The kennel license is for one year. The Mayor did an inspection last week and found all in order. The Council asked on the number of dogs and Chris clarified that the application is for a maximum of 25 dogs and it is the same. Mark moved to approve Chris Hinckley's kennel license for 2022, Linda seconded, motion passed.

Mark moved that Keller & Associates be moved farther down the agenda. Brigham seconded, motion passed.

PUBLIC HEARING ON ZONING OF THE COUNTRYSIDE MEADOWS SUBDIVISION:

- Mayor Judd opened the hearing. The attorney clarified that the subdivision had been annexed by ordinance on the 15th day of September, 2021. The zoning for that subdivision needs to be set as it is no longer part of the County zoning and it has not received a zoning designation from the City. Also, a map needs to be attached as part of the description. The map was provided by Jefferson County's GIS Department.
- Mayor Judd suggested that an R-2 zone be applied to provide for larger lots as the citizens indicated they would like larger lots during the hearing on September 8, 2021.
- The City does not currently have an R-2 zoning set forth in its zoning ordinance. The City has a signed Development Agreement with Countryside Meadows providing that they cannot subdivide into more than the 11 lots as set forth in the plat, without City approval and replatting.
- The only options for zoning would be R-1 one acre or Commercial as provided in the City Code.
- Mayor Judd asked for anyone wishing to testify pro. No one came forth.
- Mayor Judd asked for anyone wishing to testify neutral. No one came forth
- Mayor Judd asked for anyone wishing to testify against the proposal. The following citizens came forth: Curtis Thomas, Julia Lewis, and Orlin Lewis. They felt more discussion should be had on the subdivision. Julia read a statement by Celena Lewis stating her position and information she had obtained.
- The attorney pointed out that the subdivision had already been annexed by ordinance on September 15, 2021 and this hearing was just to set the zoning. A copy of the Ordinance was provided by the Clerk which has been recorded by Jefferson County.
- Roger Nield indicated that he owns the parcel of land next to this subdivision and if he chose to subdivide he would prefer an R-1 zoning. He was concerned about the layout of roads and how they would limit access to an adjoining subdivision.
- David Korth who lives across the street from the subdivision, asked how the annexation would affect his property. The Mayor clarified that under the current laws, annexation is voluntary and not forced. He was also concerned on the construction and guarantee on the roads.
- Jeremy Mattson was permitted to answer the question. There is a 12-month warranty on roads and labor in the Development Agreement. Jeremy also clarified that their interaction with the County on an official basis had only been through the Planning & Zoning Department and Commission and not through the County Commissioners.
- Mayor Judd closed the public input portion of the hearing.

COUNCIL DISCUSSION AND ACTIONS ON COUNTRYSIDE MEADOWS SUBDIVISION:

- The mayor was proposing an R-2 zoning with a 2 acre minimum. However since we do not currently have an R-2 designation in our zoning ordinance that cannot be used. They can be annexed R-1 or Commercial and we need to establish the zone for them. Brigham clarified that tonight we can only choose R-1 or commercial. Kris noted that we need to set the zoning now because we are required by law to have a zoning set. Brigham moved that the zoning for

Countryside Meadows Subdivision be set as R-1 as set forth in the Lewisville Code. After more discussion, James seconded the motion. A roll-call vote was taken: Linda – yes; Brigham – yes; James – yes; Mark – no. Motion passed.

KELLER & ASSOCIATES UPDATE ON DISPOSAL AND TREATMENT OPTIONS FOR WASTEWATER:

Marvin Fielding from Keller & Associates reported that they have collected water samples from 3 shallow wells and measured the depth of ground water. The depth is between 10 and 12 feet in all wells. They needed to assess if there is ground water contamination from cesspools. One well had a small reading of coliform but it was so minute that it could have been contaminated during collection. E-coli was undetected in all three. There were some nitrates detected in two wells. In both cases all were well below the action level. He concluded that they did not find any measurable contamination.

- Marvin presented the 3 most likely options available to the City for wastewater disposal: 1) City treatment with land application; 2) Land application through a regional system with Menan; 3) City treatment with Dry Bed Creek discharge. He also indicated that there were a few alternatives that had been considered.
- He reviewed the cost for each type of system and noted that the most economical option would be to connect to the Menan system. However, it would require Menan to make some alterations to be able to handle the additional flow.
- Costs were basically the same as in 2019.
- They want to make sure when they approach funding agencies that they have sufficient information to be eligible for grants.

He asked if there were any questions and said he would appreciate any feedback in the next 2 weeks. They will move ahead with the capital investment plan.

James moved that we take a 5-minute recess, Brigham seconded, motion passed.

Mayor Judd called the meeting back in session at 8:53.

PUBLIC HEARING ON SUBDIVISION ORDINANCE – BILL 2021-6

- Mayor Judd opened Hearing – The Notice of Public Hearing was published on October 27, 2021 in the Jefferson Star. The proposed Subdivision Ordinance is a modification of Jefferson County’s new Subdivision Ordinance. Things that the Council felt don’t pertain to the City have been deleted.
- Mayor Judd asked for persons who would like to testify pro. No one came forth.
- Mayor Judd asked for persons who would like to testify neutral. Jeremy Mattson, a non-resident, came forth and said there were a lot of good things in the ordinance but their requirements are pretty extensive. It may be pretty expensive if anyone is planning on developing.
- Mayor Judd asked for persons who would like to testify in opposition. Matt & Kelly Meisner had submitted testimony that was read into the record stating that they were opposed to the City annexing any additional subdivisions. If any were to be annexed, they felt that 1-acre plots should be the minimum building size.

There were no further comments. Mayor Judd closed the public hearing.

COUNCIL DISCUSSION AND ACTIONS ON BILL 2021-6 -- SUBDIVISION ORDINANCE:

The Council discussed the following points:

- If we don't set some boundaries, people can do whatever they want to around the City and that will have an impact on the City.
- The Council doesn't feel they have adequate knowledge to write or administer this ordinance. Even if the City were to have a Planning & Zoning Commission, they would probably be citizens with limited knowledge in planning and zoning. They need to be well trained and finding anyone willing to put forth that kind of time and effort will be difficult.
- Kris indicated that the ordinance needs to be written in a manner that can be understood by everyone. With the limited growth in the City up until 2 years ago, a subdivision ordinance has not been necessary. However, with the boom in the housing market, we need to stay ahead of the growth.
- They discussed the questions of lighting and roads. Kris indicated it would be good to hire a civil engineer on an as-needed basis to make sure things are being done correctly. Brigham will make some contacts to see who might be available.
- Kris indicated it might be good to check with other cities and see if they might have a person that could help with the project. We need to make the ordinance doable for both the City and a developer to make it work. There is a fine line between enticing and overburdening. If it is too difficult, people will move out into the county.

Brigham moved to table the proposed subdivision ordinance and seek out a professional to help us put it together, Linda seconded, motion passed.

AMENDMENT TO ANNEXATION ORDINANCE OF COUNTRYSIDE MEADOWS, Ord 2021-5, adding map and zoning

- James moved to suspend the rules of reading Ordinance 2021-6, Amendment to City of Lewisville Ordinance 2021-5 City of Lewisville Annexation, on three different days and once in summary in accordance with Idaho Code §50-902 and to read Ordinance 2021-6 only once in summary, Mark seconded. Roll call vote: James, yes; Linda, yes; Brigham, yes; Mark, yes. Motion passed.
- James read the summary of Ordinance 2021-6, Amendment to Ordinance 2021-5 City of Lewisville Annexation by adding zoning and a map.
- Mark moved to adopt Ordinance 2021-6, Brigham seconded. Roll call: Mark, yes; James, yes; Brigham, yes; Linda, yes. Motion passed.

Jeremy Mattson suggested that the City put up stop signs, speed signs and street signs in the subdivision. The Mayor also noted that we need to move city limit signs to the edge of the subdivision. Also, a "no outlet" sign would be helpful. Jeremy gave an update on the subdivision road progress as being good. They will be trenching under the Lewisville Highway for power. Gas is being really slow, but they are hoping to get it soon.

BUILDING PERMITS:

- The Council reviewed the Clearance Application for Heather Hively for solar installation. James noted that the papers seem to be in order and the lack of a building permit was probably a clerical mistake on the part of Big Dog. James moved to approve the Clearance, Mark seconded, motion passed.

CITY ATTORNEY:

- Kris asked if we had received any resolution on funds distribution from Jefferson County. Donetta will get with the County Clerk.

CLERK/TREASURER:

- Donetta submitted a list of bills between October 14, 2021 and November 10, 2021. She asked if there were any questions. There were none. James moved that the bills be paid, Mark, seconded, motion passed.
- Donetta has e-mailed a copy of the Treasurer's 4th Quarter – Year End Report to the Council clarifying ARPA and interfund transfers. She asked if there were any questions. There were none. James moved to accept the Treasurer' 4th Quarter Year End Report for FY 2021, Mark seconded, motion passed.
- James read the summary to Resolution 2021-3 Records Retention then made the motion to accept Resolution 2021-3, Brigham seconded, motion passed.
- Rocky Mountain Power has contributed money through the State of Idaho for \$1,500 grants available to the cities for beautification purposes. Donetta asked for suggestions. It was determined that we could use the money to replace sidewalks that are disintegrating or perhaps replacing the tree that was taken down in a storm at the Community Center. The Council instructed Donetta to submit the application for the grant.
- Phone & Internet connection to the Community Center and Library. George talked with Rebecca at Jefferson County Emergency Planning and she recommended that we keep the land line for the Library. The library currently pays for internet which the City will now cover under the broadband so they will pay \$50 for their phone and we will cover the internet plus the additional cost on the phone for FY 2022. We will have a VOIP phone for the Community Center. Century Link is putting together a bid for a lower rate for the library.
- FY 2020 & 2021 Biannual Audit has been submitted to Searle Hart. The Mayor signed the letter authorizing them to move forward on the audit.

MAYOR REQUEST

- Mayor Judd has asked Thompson Engineering to reset the survey stakes. He is waiting for them to get back to him. Mark and the maintenance personnel have pulled 75% of them. The other 25%, maintenance can't find.
- Work Meeting AOI Agreement. We need to work on what we want in Exhibit C of the Area of Impact Agreement with Jefferson County. A work meeting was set for Tuesday, November 16th at 7:00 p.m. Each Council Member was encouraged to come with 1 or 2 items that they would like covered in the AOI Agreement Exhibit C.

BEAUTIFICATION

- Linda indicated that the flag pole at the Library still needs to be moved. When it is moved away from the trees it can be lowered to half mast.

ROADS:

- Intermountain Gas has left a hole in the road by 486 north 3479 east. Donetta was asked to call Intermountain Gas as asked if they are going to patch the road.
- There are still some holes around hand hold boxes set by Direct Communications. George will reach out to them.


ITEMS FOR DECEMBER AGENDA

- Work Meeting November 16, 2021
- Status updates on current projects

ADJOURNMENT:

James moved that the meeting be adjourned at 10:21 p.m., Mark seconded, motion passed.

Minutes approved by the City Council of the City of Lewisville on the 8th day of December, 2021.

Mayor 
George A. Judd

Date 8 Dec 2021

ATTEST:

Clerk 
Donetta R. Fife

Date December 8, 2021