

MINUTES  
**City of Lewisville Regular City Council Meeting**  
February 13, 2019

Meeting was called to order by Mayor George Judd at 7:04 p.m. at the Lewisville Community Center at 3451 E 480 N, Lewisville, Idaho. Present were Mayor George Judd; Council Members, Del Heward, Mark Williamson, James Ball and Leisa Watkins; City Attorney, Kris Meek; Officer Antonio Gonzales from the Jefferson County Sheriff's Department; Clerk/Treasurer, Donetta Fife and residents, Lynne Williamson, Terry Fife, Bruce Sessions, Shannon Sessions, Glenn Watkins & Wade Ball.

**ROLL CALL:**

- Mayor Judd -- present
- Leisa Watkins -- present
- Del Heward -- present
- James Ball -- present
- Mark Williamson -- present

**MINUTES:**

- Minutes for the regular City Council meeting held January 9, 2018 had previously been distributed by the Clerk. Mayor Judd asked if everyone had received the minutes, all had. There were no additions or corrections to the minutes. James moved that the minutes be approved, Leisa seconded, the motion passed.

**POLICE REPORT:**

- Officer Gonzales reviewed the police report between December 15, 2018 and January 11, 2019. There were 98 hours patrolling with 9 complaints, 2 arrest, 8 citations and 54 traffic stops. Most of the calls were inconsequential. James inquired about the break in at Ball Bros Potato Warehouse. The officer responded that the matter is still under active investigation and no details are available yet.

**HEARING ON MODIFICATION OF RESIDENTIAL AND COMMERCIAL BUILDING SETBACK - ORDINANCE MODIFICATION:**

- Prior to the start of the City Council meeting, a survey for public input on setback changes had been given to all who were in attendance and they were encouraged to mark their preferences. Also a signup sheet for those who desired to speak had been provided. The Notice of Public Hearing had been published in the Star twice as required by law and notices posted at various public buildings within the City. A Notice had also been mailed to residents within the City.
- Mayor George Judd - introduced rules for those wishing to speak. He also presented commentary on the current setback and possible options for change and how it will affect growth on almost all roads. Highway 48, E 500 North and N 3400 East will be excepted as they are public roads which may need more distance for improvement in the future. Everything else in the City is mostly residential with some commercial and will be affected by the changes. He distributed handouts showing measurements for possible future improvements. Information for handouts was obtained from the "Green Book" from the State Highway Department. We have a huge right-of-way and several residents have complained that the setback for new construction is excessive. The Council is considering passing an ordinance to reduce the setback requirements on interior City roads and is requesting resident input. The Mayor indicated that there were several options for setback, including 60 feet from the centerline of the road or 10 feet from the

surveyed property line, 65 feet from the centerline of the road or 15 feet from the surveyed property line and 70 feet from the centerline of the road or 20 feet from the surveyed property line. Even with possible enlargement of the roads, there is a large amount of space for utilities, with even a 65 foot setback. He then addressed the commercial option to allow a possible change of the City of Lewisville setback to be consistent with neighboring cities of a zero front setback for commercial buildings. He called for questions prior to the public hearing. There were none.

- The hearing was opened for public input. The Mayor called for input in favor of the change, there was none; neutral input for the change, there was none; and finally, negative input on the change, there was none.
- Mayor Judd closed the public hearing.

#### **COUNCIL DISCUSSION AND ACTION ON BUILDING SETBACK:**

- The Council discussed the pros and cons of the different setback options. Some Council members were in favor of larger setbacks and some in favor of smaller setbacks. They agreed that the founders of Lewisville had used much foresight in designating the 100 foot right of way in order to allow for future growth. James suggested that each setback be voted on individually, Council agreed.
- James moved that the front setback be changed to 60 feet from the centerline of the road or 10 feet from the surveyed property line, Del seconded. Roll call vote was taken: Mark - no; Leisa - no; Del - yes; James - yes. Since the vote was tied, the deciding vote was left to Mayor Judd who voted no. Motion failed.
- James then moved that the building setback be changed to 90 feet from the centerline of the road on arterials, i.e. Highway 48, E 500 North and N 3400 East, and 65 feet from the centerline of the road or 15 feet from the surveyed property line on all other residential lots, Mark seconded. Roll call vote was taken: Mark - yes; Leisa - yes; Del - yes; James - yes. Motion passed.
- No motion was made to change the side setback of 15 feet or the rear setback of 50 feet so they will remain.
- The Council then discussed the possibility of changing the front setback for commercial property to zero (0) feet to coincide with most surrounding cities. Allowing the 50 feet rear setback to remain would leave room for onsite parking. The following verbiage for the City of Rigby was considered and altered by the City Attorney to be more clear to our circumstances:

"No front or side yards shall be required except when a building or group of buildings is immediately adjacent to a residential zone. There shall be a side depth of not less than 15 feet when adjacent to a residential zone. A minimum of a 20-foot rear setback shall be required."

James moved that we add the verbiage to C-1 to allow a building to be placed up to the property line. Mark - y, Leisa - y, Del - y, James -y, motion passed. Donetta will draft and send to Kris– Kris will revise as needed and it will be sent to the Council before the next City Council for individual review.

#### **MAINTENANCE REPORT -**

- Gary was not in attendance. Gary is keeping the roads plowed when needed.
- Tree trimming and cleanup – The large stumps adjacent to the Wade Ball property will be moved when the weather clears up to enable that. A larger piece of equipment will be needed to move the sections and they are very heavy. If residents would like wood from the trees, they will need to contact the Mayor and either the City will deliver wood to residents within the City or they will need to sign a waiver of liability to cut it on City property.

## **BUILDING PERMITS**

Jared & Amber Jardine- not here. The item was moved to the March agenda.

## **CITY ATTORNEY:**

- City Attorney, Kris Meek, indicated that the case of State v. Smith went to trial last week. Ms. Smith did a major cleanup 2 days before the hearing. The Mayor indicated he communicated to her that she is allowed a functional shed and trailers but no dysfunctional and partially destroyed vehicles that are in public view. Hopefully there will be some cleanup or she is facing jail time. The Mayor is also working with her on the fence problem. In light of her efforts, the Judge granted a 60-day extension to be in complete compliance with the Code.

## **CLERK/TREASURER REPORT:**

- The Council reviewed the list of bills that have been presented to the City between January 10, 2019 and February 13, 2019. There were no questions on the bills. Leisa moved that the bills be paid, Mark seconded, motion passed.
- Donetta indicated that the Treasurer's 1st Quarter Report is finished and has been sent to Council and posted on the website. She asked if there were any questions. There were none.
- Donetta has been in contact with Bro. Adam Luke at the BYU-I Historical Record Department about the possibility of scanning records of the City of Lewisville dating back to its origin. The records were delivered to BYU-I on loan to have them scanned and placed on the school's website. They will then be returned to the City along with a digital copy.
- Donetta asked if anyone had offered to chair the annual Easter Egg Hunt – no one had. Donetta indicated that she would be willing to spearhead the event if the Council would help. They agreed. James moved that the \$500 budgeted be authorized to fund the Easter egg hunt and Donetta will spearhead the project, Leisa seconded, motion passed.
- It was presented that our requirement for business licenses for commercial businesses -- those identified as having at least one employee (which would exempt them from the status of a cottage industry) has not been enforced. The Council was asked to identify businesses within the City meeting the required criteria. They identified Roy Kennedy, elevator repair; Clement Bros.; Fox LLC; Ball Brothers and Chris Hinckley, Teton Bird Dogs. Donetta will send out invoices to the companies that have not already received a business license for the current year for their annual business licenses.

## **VISITORS:**

- Wade Ball indicated that he had come to give input on the setback issue.

## **MAYOR REQUEST**

- Mayor Judd explained that the proposed plan for the library addition to the Community Center had to be modified a little bit to avoid covering an electrical panel. The revision will increase the library enough so the back portion can now be dedicated to City Council activities. The library board would be able to use it, but it will not be available for craft projects, etc. They also need to add a book drop to the plan. The City Council portion of the building would have an outside entrance which would also be the emergency exit. Therefore city officials would be able to use the building without going through the library. The plan calls for a 9 foot ceiling. James suggested that maybe a 9 ½ foot ceiling with a drop in of 6 inches would be good. That way any future electrical needs could be easily accessed.

Leisa was excused.

- Impact Area Agreement with Jefferson County. Mayor Judd and Donetta have met with Kevin Hathaway of the Jefferson County Planning and Zoning to discuss a letter we recently received

from the Commissioners requesting a revision of our Impact Area Agreement with the County, which we have already been working on. Kris recommended that we have three people who would be willing to stay with the project and willing to help with the Planning and Zoning issues. We will set up a work meeting for mid March. It will require that much time to research what is being done in other areas. Kris consulted Idaho State Code Section title 67 -6526 (b) – area of impact area and is sending it to the Council members. He will be talking with the attorney for the County to clarify the procedure and action on this item.

**ROADS**

- The condition of the roads was discussed. We will need to have some durapatch work this summer. The winter has taken quite a toll on our roads. All agreed.

**ADJOURNMENT:**

James moved that the meeting be adjourned at 8:38 p.m., Mark seconded, motion passed.

**Minutes approved** by the City Council of the City of Lewisville on the 13th day of March, 2019.

Mayor /s/ George A. Judd  
George A. Judd

Date 13 March 2019

ATTEST:

Clerk /s/ Donetta R Fife  
Donetta R. Fife

Date 3-13-2019