

MINUTES  
**City of Lewisville Regular Meeting**  
June 13, 2018

Meeting was called to order by Mayor George Judd at 7:05 p.m. at the Lewisville Community Center at 3451 E 480 N, Lewisville, Idaho. Present were Mayor George Judd; Council Members, Del Heward, Leisa Watkins, James Ball and Mark Williamson attended via telecommunication; City Attorney, Kris Meek; Clerk/Treasurer, Donetta Fife; Officer Leland Smith; Residents Janette Melgaard, Margaret Quade, Glenn Watkins, Jo Johnson, Larry Johnson, Chris Hinckley, Natalie Hinckley and Diane McCarthy.

**ROLL CALL:**

- Mayor Judd -- present
- Leisa Watkins -- present
- Del Heward -- present
- James Ball -- present
- Mark Williamson -- present later in the meeting by phone

**MINUTES:**

Minutes for the regular City Council meeting held May 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. Del moved that the Minutes be approved, James seconded, the motion passed.

Minutes for the Special City Council Work Meeting held June 7, 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. Del moved that the Minutes be approved, James seconded, the motion passed.

**POLICE REPORT:**

- Officer Smith reported that during the period of April 7, 2018 through May 4, 2018 that 63 hours were spent patrolling in the City with 18 incidents, 1 arrest, 1 DUI, 3 citations and 13 traffic stops. He also reported that for the period of May 5, 2018 through June 1, 2018 there were 102 hours spent patrolling in the City with 11 incidents, 4 citations and 16 traffic stops.
- James had a question with regard to the dog bite that was listed on the report. Officer Smith checked on it and later reported that it was a first offense for the dog and owner and that a warning was given. They are working with the owner.
- Mayor Judd asked if the portable speed sign has been repaired and directed that it be moved to 480 North facing east.

**BUILDING PERMIT:**

- Leisa Watkins recused herself from the matter as she has a conflict of interest. Mark was contacted via phone to participate in the discussion. Glenn Watkins addressed the Council and explained that he has previously been granted a building permit for an auxiliary building next to his house. The permit is more than a year old and has expired. He appeared last month but discovered a problem with the placement of the building. When measuring for the footings he discovered that he is unable to meet City of Lewisville setback of 90 feet as authorized in the permit he applied for last month. He asked that a variance be granted to allow the placement of

the building setback the same as with his house at 83 feet 6 inches because 1) a power pole prevents him from meeting the 90 feet setback, 2) the aesthetic appearance would be much better and 3) the placement of other structures would make it impossible to place it at the 90 foot setback. There was some confusion between the Jefferson County setback and the City of Lewisville setback. Kris explained to him that when the governing entity has a more strict setback, that the governing entity is the one that needs to be followed. There was discussion on viable options. None would work. Glenn had the signatures of 12 surrounding neighbors indicating they had no objection to the variance. It was noted that proper notice had not been mailed by the clerk to the adjacent neighbors to give them the opportunity to appear and be heard on the matter. Later in the meeting Del moved that the discussion on the building permit be resumed, James seconded, motion passed. The following adjacent neighbors appeared before the Council:

Faylene Christensen, 483 North 3435 East, Lewisville, Idaho. She stated that she waives her right of written notification and that she has no objection to the variance.

Russell Kerr 3429 East 480 North, Lewisville, Idaho. He stated that he waives his right of written notification and that he has no objection to the variance.

Jenny Kerr, 3429 East 480 North, Lewisville, Idaho. She stated that she waives her right of written notification and that she has no objection to the variance.

Wade Ball, 482 North 3435 East, Lewisville, Idaho. He stated that he waives his right of written notification and that he has no objection to the variance.

Del moved that Glenn Watkins be granted a variance to place his outbuilding at 83 feet 6 inches from the centerline of the road rather than the 90 feet which is set forth in the Lewisville Code, James, seconded, motion passed.

#### **MAINTENANCE:**

- The Mayor indicated that he is still acting as the maintenance supervisor. The roadside and parks are looking good.
- He has used cold patch to fill in the potholes around the City. We will work on the dura patch later.
- The Mayor had e-mailed bids to the Council that he received for a new mower for the City. The one we currently have is mainly for finish mowing. It is being damaged by mowing the heavier foliage in the right of way. The new mower will mow 8 feet wide and will even mow brush. Agri-Service has offered a discounted price of \$5,990.00. Del moved that the Mayor be authorized to purchase the mower, James seconded, motion passed.
- The Mayor has not had the opportunity to contact a company about trimming and/or removing some of the large trees in the City. James offered to accept the responsibility to look for a company and to have someone come to City Council in July to discuss the matter.

#### **CITY ATTORNEY:**

- Kris indicated that he has been in contact with the attorney for the Rounds estate and Cori Poulson's, Jeff Stoker, with regard to the water certificate that should have been transferred to the City. Mrs. Poulson feels that she should receive compensation for the shares of water as the Rounds family has been paying assessment on them for 30 plus years. They are asking for \$1,500. Kris suggested that an Executive Session be placed on the agenda for July in order to discuss the matter as it could be a settlement in lieu of a civil law suit. The Council agreed that this should be discussed in Executive Session.
- We have a RV situation where we have a zoning ordinance violation. The penalty is set forth as a misdemeanor in the Code. The Council agreed that the Code should be changed to the infraction based penalty like the nuisance ordinance. The Council instructed Kris to pursue it on the same

basis as an infraction at this time. We will consider the Amendment to the Code 8-5-9 next month.

**CODE AMENDMENTS:**

- Mayor Judd presented Bill 2018-3 which proposed an amendment to Title 5 Chapter 3 of the Lewisville Code with regard to dog kennels, to the Council in a revised format after the work meeting on June 7, 2018. Extra copies were provided to visiting residents. The bill proposed a definition of a Kennel License and eliminated the issuance of future kennel licenses, as well as other clarifications. A discussion followed by Council members. James moved that the public be allowed to speak on the Bill, Del seconded, motion passed. A sheet was passed around to identify anyone who wanted to speak, for, neutral or against. The Mayor set forth the speaking limitations. Jo Johnson spoke for the Bill, no one spoke neutral and Margaret Quade, Chris Hinckley and Diane McCarthy, spoke against. Public input was closed. James indicated that the Bill needs to go back to a work meeting and give the people the opportunity to have more input. Leisa moved to pull the Bill and not proceed, James seconded, motion passed.
- The Council discussed possible amendments to Title 4 Chapter 1, the nuisance ordinance. There are quite a few unlicensed and/or unregistered vehicles in the City that are not screened from view and some that are on the right of way. The Mayor suggested that 4-1 be amended to allow the City to have unregistered and/or unlicensed vehicles removed from the right of way at the owner's expense after a 7-day notice is given by applying a violation sticker on said vehicle.

**VISITOR:**

- Janette Melgaard came before the Council to apply for a Kennel Permit. Her daughter is now living with them for a limited time and has several dogs. She had the signatures of 8 neighboring residents. It was determined that she has 17 residences within the required signature area and she will need to have 75% or 12 signatures to obtain a license. Upon obtaining the signatures she can bring the application to the Clerk.

**CLERK/TREASURER:**

- The Council reviewed the list of bills that have been presented to the City between May 10, 2018 and June 13, 2018. James moved that the bills be paid, Del seconded, motion passed.
- Donetta indicated she has been in contact with Searle Hart. They have completed the Audit for 2016 and are working on the audit for 2017. They will be finished by June 26, 2018. It will then be uploaded to the State of Idaho Central Registry.
- With the planning for the FY 2019 budget in progress, Donetta indicated that any salary increases need to be approved in the July meeting. She indicated that the Mayor is not only doing his duties as Mayor, but also acting as Maintenance Supervisor, doing many City repairs himself and serving on All Hazards Mitigation Board in order to help the City find grants for renovation. She indicated that it may be appropriate to increase the Mayor's salary. This will be discussed further in the budget work meeting on June 28, 2018.
- The City currently has a workman's compensation case where Terry Fife was planting a tree and broke his leg. He has been authorized by his doctor to continue to mow as it does not affect his ability to do his job.
- The Fee Schedule for FY 2019 will be discussed in the Budget work meeting and alterations will be made at that time.

**ADJOURNMENT:**

James moved that the meeting be adjourned at 9:03 p.m., Del seconded, motion passed.

**Minutes approved** by the City Council of the City of Lewisville on the 11th day of July, 2018.

Mayor \_\_\_\_\_  
George A. Judd

Date \_\_\_\_\_

ATTEST:

Clerk \_\_\_\_\_  
Donetta R. Fife

Date \_\_\_\_\_