

**MINUTES**  
**City of Lewisville Regular City Council Meeting**  
Wednesday, July 8, 2020  
Lewisville Community Center, 3451 E 480 N, Lewisville, Idaho

Meeting was called to order by Mayor George 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, James Ball, Brigham Briggs and Linda Linsenmann; City Attorney, Kris Meek; Officer Mike Miller from the Jefferson County Sheriff's Department; Clerk/Treasurer, Donetta Fife; Daniel Parrish, Nathan Brian and Scott Hendrickson from Direct Communications and residents, Wade Ball, Waco, Anna and Ladd Taylor, Will Gray, William Bradshaw and Doug Walker.

**MINUTES:**

- Minutes for the regular City Council meeting held June 10, 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, Linda seconded, motion passed.
- Minutes for the City Council Hearing on the Right of Way Transfer held June 10, 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.
- Minutes for the Special Council Meeting on the broadband grant held June 26, 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, Linda seconded, motion passed.

**POLICE REPORT:**

- Officer Miller reported that the Sheriff's Department reported 70 hours patrolling in the City of Lewisville with 13 complaints, 3 citations and 15 traffic stops. There was a report of a violent dog. The owner was warned and no charges were pressed by the victim. There was also a report of vandalism to a car. He didn't know if it was sent to the prosecutor's office.

**MAINTENANCE REPORT:**

- Maintenance has been patching the roads and have made good progress. The hose on the dura patch needs replaced. The repair on the ditch didn't take so it will need to be done again.
- James updated on the security system. Twisted Technology got the camera for the park and they should be able to put it in soon.
- James will check with Twisted Technology on the possibility of a free-standing camera and microphone so we can have better transmission of our Zoom meetings. The expense will probably be reimbursable under the Reimbursement program through the State for the COVID-19 disaster.

**BUILDING PERMITS:**

- Will Gray appeared with William Bradshaw to apply for a building permit to build a shop behind the Bradshaw home. The council examined the plans and determined that the structure was compliant with setback and could be sent to the building inspector. James moved that the



clearance be approved, Linda seconded, motion passed. Donetta will send the plans off as soon as she receives the building permit check.

- Waco and Anna Taylor presented plans for a barn/house on Lot 3 Block 19 of the Townsite of Lewisville. The Council reviewed the plans and determined that they were compliant with the setback and well and septic requirements. James moved that the Clearance be approved, Brigham seconded, motion passed. They still have the plans out for bid so they will get the exact value to Donetta and pay the permit fee so she can send it to Jeff for a plan review.

#### **PUBLIC COMMENT:**

- Wade Ball expressed a concern about the transfer of right of way property to the adjacent property owners as it would put the trees that are partially on his property at present totally on his property after the transfer. He said his insurance agent expressed a concern. Mr. Ball did not have the supporting figures from his insurance agent. The mayor assured him that we are actively seeking a mitigation grant to remove the trees. The grant would cover 75% of the cost and the City would have to cover the other 25% of the cost of removal. Kris indicated that the transfer of land cannot happen until the survey of the city is finished, there is an actual public hearing and the deeds have been drawn up and recorded. Therefore, it will probably be several months before the land is actually transferred.

#### **CITY ATTORNEY:**

- Kris reported that Jefferson County has distributed the disputed funds but that the account they have given us is not adequate for us to know that monies owed have been paid. We have until August 5, 2020 to review the records and confirm that the accounting is correct. We have received the money on our monthly check from the County. We have been assured by Weston Davis that depositing the funds would not prevent us from further distribution if necessary.
- Impact Area Agreement Update. The City of Menan has a meeting with Jefferson County to discuss the proposed plan. The new P & Z person from Jefferson County called George to ask him where he is on our Impact Area Agreement. Kris is still trying to iron out some problems in the Menan Agreement and will then use that agreement as a template for ours. He is hoping that this is done by the end of the year as the prosecuting attorney will be changing as well as most of his office personnel. We would then be back at square one with new people again.
- With regard to the 25 mph speed discussed in the June 10, 2020 City Council meeting, there was an e-mail inadvertently send to the Council which is in violation of the open meeting law Idaho Code 74-208(7). It was send with no ill intent and innocently. In order to remedy this, the comment needs to be entered in an open public meeting and entered into the minutes: Mark sent an e-mail about the 25 mph speed limit to Donetta, George and the Council. Kris read the comment into the record. "I think we really need to relook at the speed issue. 25 is way slow – I've tried driving it. Menan is 35, ours is 35 and if enforced is more reasonable!" Deliberation under the open meeting act was innocently violated so the public now knows. Kris cautioned the Council that they cannot discuss with other council members except in an open meeting. When we rectify it in a public meeting, we can cure these really easily.

#### **CLERK/TREASURER:**

- A list of bills between June 11, 2020 and July 8, 2020 was presented. Mayor Judd asked if there were any questions. There were none. James moved that the bills be paid, Brigham seconded, motion passed.
- With the pandemic, the State has proposed a possible decrease in property tax by foregoing the 3% increase that is allowed annually. Lewisville is not eligible for replacement money that could be paid for essential services like police force and fire department as these are collected by the



County. AIC is predicting that there will be a shortfall in revenue for the coming year and cautions cities to project a decrease in income between 5% and 15%. In order to prepare feasible figures for the budget work meeting, the Council needs to determine if they will take the annual 3% increase. Considering the probably decrease in revenue and the loss of the 3%, the City would be pressed to cover expenses for the coming year. Brigham moved that they City take the 3% increase that is allowed yearly under Idaho law, Linda seconded, motion passed.

- The date set for the Budget work meeting is July 22, 2020 at 7:00 p.m. The Council was asked to come with items they think need to be addressed in the 2021 FY budget.
- The City is applying for a broadband grant under the CARES Act. Due to the limited time for applying – the grant application is due July 15, 2020 at 5:00 p.m. -- it is necessary for the City to offer a sole procurement bid as there is insufficient time to go through the bidding process. Jerry Miller of the Idaho Department Commerce has indicated that we meet the test of an emergency under Idaho Code and therefore may justify the use of sole source procurement if the City meets one or more of the criteria as follows:

Idaho Code 67-2808 sub 2(a) provides under

- “(i) Where public works construction, services, or personal property is required to respond to a life-threatening situation or a situation is immediately detrimental to the public welfare or property.” The City has declared a disaster under the COVID-19 emergency on March 26, 2020 and children have been required to study from home and others have been advised to telework, and the internet availability in our area is not sufficient to allow this to happen in most homes. James moved that we are in a declared disaster, Brigham seconded, motion passed.
- “(ii) The purchase of public utility services;” This would be for the installation of broadband equipment to individual homes to provide them with a broader availability to internet access in order to accomplish distance learning, telework, and general public wellbeing.
- “(viii) Where competitive solicitation is impractical, disadvantageous, or unreasonable under the circumstances.” The grant application for the CARES act funding opened on June 29, 2020 and will close on July 15, 2020, which does not offer enough time to publish for competitive bidding and award a contract as required by Idaho law.
- The Council declared that we meet the above criteria as set forth. The Council has already authorized the Mayor at a special meeting on June 26, 2020 to proceed with the grant application with Direct Communications. James moved that we are in a disaster situation and that the project go forward as outlined, Linda seconded, motion passed.
- Daniel Parrish from Direct Communications addressed the Council to answer questions. He indicated that they have pushed the bid closing to July 15<sup>th</sup> so they have more time to get everything together. He gave an overview and answered questions.
- James wanted to make sure we have no contractual obligation if the work is not completed by December 15<sup>th</sup>. That was affirmed. The Council agreed that they want to go forward to provide broadband for the whole City or roughly 185 homes.
- Donetta needs to publish Notice of declaring sole source procurement 14 days in advance of awarding the contract so she needs to have it to the Star by Friday and they will run it on Wednesday. This will enable the contract to be awarded on August 1, 2020 if we receive funding under the grant.

#### **MAYOR REQUEST:**

- The Council discussed the transfer of a 1 rod (16.5 feet) of right of way on each side of the road to the land owner directly adjacent to that portion of the road.



- Discussion: Trailers and semis would be allowed to park on the 16.5 feet. Non-operating vehicles still would need to be behind building setback or behind a fence. Since we now know which property the trees are on, we can apply for a mitigation grant to have trees moved. That grant may also cover generators for this building to be an emergency shelter.
  - Brigham moved to transfer one rod (16.5 feet) on each side of the road to the property adjacent to that portion of land and leaving the right of way 66 feet wide and allowing Thompson Engineering to set the corner stakes at 66 feet wide. Linda seconded, motion passed.
  - Kris indicated that it will take some time to accomplish the transfer as there are certain things that need to be done prior to the actual transfer of property. He suggested that even though we have had a hearing, it would be best if we have another hearing more specifically addressing the issue when the ordinance is written. Therefore, Bill 2020-1 was not addressed.
- Bill 2020-2 -- Bill/Ordinance changing the wording of Lewisville Code 8-4 A-5 B & C – the ordinance setting forth building setback requirements, to 65 feet from the centerline of the road and eliminating the property line requirement. Since we now have a survey identifying where the centerline of the road lies, it is a more accurate measurement than the property line, which has not been verified.
    - James moved to suspend the rules requiring the reading of Bill 2020-2 which would amend Title 8 Chapter 4 of the Lewisville Code, on three different days and once in full in accordance with Idaho Code §50-902 and to read it in summary once. Linda seconded. Roll call vote: James – yes, Brigham – yes, Linda - yes, motion passed. Brigham read the summary. James moved to adopt Bill 2020-2 as amended, Linda seconded. Roll call vote taken: James – yes; Brigham – yes; Linda – yes. Motion passed. Bill 2020-2 will now become Ordinance 2020-2.
- Bill 2020-3 to modify the Lewisville Code by identifying the building codes for the City as 2015 International Building Code and the 2017 Idaho Residential Code and all successive versions as the official building codes for the City of Lewisville
    - James moved to suspend the rules requiring the reading of Bill 2020-3 which would amend Title 7 Chapter 1 of the Lewisville Code on three different days and once in full in accordance with Idaho Code §50-902 and to read in summary once. Linda seconded. Roll call vote: James – yes, Brigham – yes, Linda – yes. Motion passed. Brigham read the summary. Brigham moved to adopt Bill 2020-3, James seconded. Roll call vote taken: James – yes; Brigham – yes; Linda – yes. Motion passed. Bill 2020-3 will now become Ordinance 2020-3.
- Bill 2020-4 to amend the Lewisville City Code Title 6 by adding a new Chapter 3 to set speed regulations in the City of Lewisville by resolution of the City Council.
    - Brigham moved to suspend the rules requiring the reading of Bill 2020-4 which would amend Title 6 by adding a new Chapter 3, on three different days and once in full in accordance Idaho Code §50-902 and to read it in summary once. James seconded. A roll-call vote was taken: Linda – yes; Brigham – yes; James – yes. Motion passed. James read the summary. Brigham moved to adopt Bill 2020-4 to amend the Lewisville City Code Title 6 by adding a new Chapter 3 to set speed regulations in the City of Lewisville by resolution of the City Council, Linda seconded. Roll call vote taken:



Brigham – yes; Linda – yes; James – yes. Motion passed. Bill 2020-4 will now become Ordinance 2020-4.

- The Council determined that all east/west roads would retain the speed of 35 mph and all north/south roads would be posted as 25 mph unless otherwise posted.

**PUBLIC COMMENT:**

- Wade Ball wanted a clarification as to whether the City was going to transfer the 1 rod of property on each side of the road. Kris indicated that they had authorized the survey stakes to be placed to allow a 66 foot right of way. James expounded on the process necessary to transfer the property and that it will take some work to accomplish the transfer. Kris confirmed.
- Anna and Waco Taylor indicated that there is an ugly tree on the edge of their property and wanted to know if they could have permission of the City to take it down. The Council assured them that the tree could be removed at their own risk.

**COMMUNITY CENTER:**

- Council Member Linda Linsenmann has been updating the inventory of the Community Center.


**BEAUTIFICATION**

- Council Member Brigham Briggs asked if the large trees were removed from the city, would the City replace those trees with a more desirable tree, or would that be the responsibility of the property owner. Mayor Judd confirmed that it would be the responsibility of the property owner. However, any trees that are planted can be applied to the City's portion of the mitigation grant. The mitigation grant funds 75% and the City would have to finance 25% of the cost of the project. When residents plant trees, that cost can be applied to the City's portion of the grant.
- There seems to be a problem with residents putting old furniture out in the right of way with a "free" sign on it. It really detracts from the cleanliness of the City. Mayor Judd indicated that Donetta could send a letter indicating that is in violation of the City Code and there could be a fine for such actions.

**ADJOURNMENT:**

James moved that the meeting be adjourned at 9:47 p.m., Linda seconded, motion passed.

**Minutes approved** by the City Council of the City of Lewisville on the 12<sup>th</sup> day of August, 2020.

Mayor   
George A. Judd

Date 12 Aug 2020

ATTEST:  
Clerk   
Donetta R. Fife

Date 8-12-2020