

MINUTES  
**CITY OF LEWISVILLE REGULAR CITY COUNCIL MEETING  
AND HEARINGS**

Wednesday, September 8, 2021  
Lewisville Community Center, 3451 E 480 N, Lewisville, Idaho

Meeting was called to order by Mayor George Judd at 7:07 p.m. at the Lewisville Community Center at 3451 E 480 N, Lewisville, Idaho. Present were Mayor George Judd, Council Members, James Ball, Linda Linsenmann and Mark Williamson; City Attorney, Kris Meek; Clerk/Treasurer, Donetta Fife; Officer Mike Miller from the Jefferson County Sheriff's Department, Marvin Fielding from Keller & Associates, residents and nonresidents.

**ROLL CALL:**

- Mayor Judd – present
- Mark Williamson – present
- James Ball -- present
- Linda Linsenmann -- present
- Brigham Briggs – not present

**PLEDGE OF ALLEGIENCE – Linda Linsenmann**

**MINUTES:**

- Minutes for the regular City Council meeting and hearings held August 11, 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 August 26, 2021 had previously been distributed by the Clerk. James moved that the Minutes be approved, Linda seconded, motion passed.

**POLICE REPORT:**

Officer Mike Miller reported on the period of July 24, 2021 through August 20, 2021. There were 70 hours in the City, 21 calls and 22 traffic stops. There were a few dog complaints, vandalism and a few unsubstantiated complaints. The Council asked Officer Miller to express the City's appreciation to the officers for the extra surveillance and patrolling in the City during the past month.

**KELLER & ASSOCIATES – WASTEWATER PROJECT REPORT UPDATE:**

- Marvin Fielding with Keller & Associates gave an update on the progress of the work they have been doing on the wastewater study. They have completed the first chapter dealing with planning criteria and he handed out an update to the Council. They have calculated the population at 582 persons with a projection for the next few years. Since the 2020 Census data has not been released, they used the 2010 Census numbers with a projected growth factor similar to the past 10 years.
- They would like to report on each chapter as they finish it to avoid an overwhelming amount of data presented at the end. The next chapter they will be working on will be loads and peaking factors.
- They will be considering different options of collecting and processing the wastewater. They would like to have 4 shallow groundwater wells to monitor to know what type of system and the depth they need to project for the system.

- He encouraged the City to have a citizens' advisory committee to meet with Keller & Associates and to act as a liaison between the City and the Company. We will post it on the website to see if we can get any interest.
- They would like to be put on the Agenda for October to go over disposal and treatment options.
- He will forward a draft copy of the update to Donetta and she can forward it to the Council.

#### **DOUG WALKER BUILDING PERMIT FOR ATTACHED DECK:**

- Doug Walker presented his application, plans and plat for an attached engineered deck for his home. The Council reviewed the items. James moved that the plan be approved for submission to the Department of Building Safety, Mark seconded, motion passed.

#### **PUBLIC HEARING FY 2021 AMENDED BUDGET**

- Mayor Judd opened the hearing to amend the 2020-2021 FY Budget. Donetta explained that since the Council approved reconstruction of 450 North and 465 North, it became necessary to amend the 2020-2021 FY Budget by adding \$94,000 through an interfund transfer so the budget will be balanced as required by law. Notice of the Hearing and Amendment was published in the Jefferson Star on September 1, 2021.
- Mayor Judd called for public input, pro, neutral and con. No one came forth. The hearing was closed.
- Mark moved to suspend the rules of reading Ordinance 2021-3 the 2020-2021 FY Appropriations Ordinance Amendment, on three different days and once in summary in accordance with Idaho Code §50-902 and to read Ordinance 2021-3 only once in summary, James seconded. Roll call vote: Mark, yes; James, yes; Linda, yes. Motion passed.
- James read the summary of Ordinance 2021-3 the 2020-2021 FY Appropriations Ordinance Amendment. Mark moved to approve Ordinance 2021-3, Linda seconded. Roll call: Linda, yes; James, yes; Mark, yes. Motion passed.

#### **PUBLIC HEARING ON FY 2021-2022 FEE SCHEDULE:**

- Mayor Judd opened the hearing on the FY 2021-2022 fee schedule and explained that the only change to the fee schedule would be to change the fee for resident rentals from \$50 per day to \$100 per day.
- Mayor asked for input pros, neutral and con. Donetta indicated that since we are changing the method of billing persons who are renting under a resident, the increased fee is probably too high.
- The City Attorney indicated that we are not allowed to charge above the actual cost of maintaining the building for that day.
- The Council decided that an increase to \$100 per day was too much and that residents actually pay much of the cost of maintaining the Community Center through taxes. James moved to leave the resident rental rate at \$50 per day, Mark seconded, motion passed.
- James moved to approve Resolution 2021-2 setting the Fee Schedule for 2021-2022 and leaving the resident rental rate at \$50.00, Mark seconded, motion passed.
- Mayor Judd closed the hearing.

#### **PUBLIC HEARING ON KRISER APPLICATION FOR ANNEXATION:**

- Jeremy Matson presented on behalf of Countryside Meadows and explained the project changes. Last month they proposed the plan to Jefferson County P & Z and were ultimately denied on the basis of private roads. Since the subdivision is in the impact area of the City of Lewisville, Jefferson County would like to see higher density. Kriser et al. have revised the plat to



have access to the subdivision through only 2 paved and dedicated roads with a 60 foot right of way and with cul-de-sacs at the end of the roads that meet approval of the fire department. They feel they have complied with all of the requirements for annexation. The developers would like to keep the subdivision lots larger and with less owners. However, if Lewisville does not approve the annexation, they will be going through Jefferson County and submitting a plat with 24 lots instead of 11 and will not be annexed into the City of Lewisville.

- Mayor Judd indicated that we currently don't have control to keep them from dividing into 1 acre lots after they are annexed. Jeremy indicated that they have covenants, conditions and restrictions for the subdivision which would prohibit subdivision of the lots. Kris indicated that the City or County does not have the ability to enforce those restrictions, but it would be a civil matter with the residents of the subdivision.
- Kris indicated that we need to move on a subdivision ordinance as soon as possible. The work meeting on that is set for next week. Without that currently in place, we could enter into a development agreement that they will accept the subdivision ordinance as binding and they cannot change the plat prior to the sale of the lots.
- Mayor Judd opened the hearing up to public comment. No one commented pro. James Gneiting, Roger Nield, George Ellsworth, Robert Evans and Lori Williamson testified neutral with the following questions and comments:
  - James Gneiting, an adjacent landowner, felt it would be better for the community to have the larger lots and less density, especially with the groundwater situation in the area.
  - Roger Nield, an adjacent landowner, wanted clarification if he would be required to pay half of the fence required in the Restrictive Covenants and what his responsibility would be with animals on his land.
  - George Ellsworth testified on behalf of Parks & Lewisville Irrigation Company and spoke of the agreement with the developers for use of irrigation rights. He also owns property near the proposed subdivision and felt the larger lots would be better.
  - Robert Evans indicated he thought the plan for larger lots would be acceptable.
  - Lori Williamson indicated that she would prefer the density of that proposed to the City rather than the 24 lots that would be proposed to the County.
- Drew Kriser indicated that they have found that the restrictive covenants are enforceable in a court of law. Kriser et al. are favorable to the idea of doing a Development Agreement as suggested by our attorney. In order to provide the required paved roads, they need to move on this as soon as possible before the weather turns.
- No one testified con.
- Mayor Judd closed the hearing.

#### **COUNCIL DELIBERATION ON ANNEXATION:**

The Council and attorney discussed the following points:

- Several council members and the attorney agreed that we need to get a subdivision ordinance as soon as possible to cover this and future situations.
- The indication from the community is that we would rather have larger lots in order to maintain the urban feel of our community.
- Kris indicated that a development agreement would work until we get our subdivision ordinance in place.
- Once we annex, the City has jurisdiction rather than the County.
- Kris indicated that he will draft the annexation ordinance. Countryside Meadows will need to draft the Development Agreement.

- James moved that the approval of the Countryside Meadows annexation be moved to the September 15, 2021 meeting where the Annexation Ordinance and Development Agreement can be passed, Linda seconded, motion passed. Donetta will send out the Agenda for that meeting.

#### **ANIMALS IN RESIDENTIAL AND COMMERCIAL ZONES PUBLIC HEARING:**

- Mayor Judd opened the hearing. Copies of the proposed Amendment to Title 8 Chapter 5 Subsection 8 of the Lewisville Code providing for domestic animals in residential and commercial zones and adding definitions thereto had been posted and provided to those in attendance. The notice of hearing was published on September 1 and September 8, 2021 in the Jefferson Star and posted at the Community Center, post office and library.
- Mayor asked for pro comments:
  - Pro - Gayle Anderson, Linda Wolcott, and Waco Taylor felt that the ordinance was good and commended the Council on their work.
  - Neutral - Sharon Casper and Donetta Fife also commended the Council on their hard work but were concerned that the distance between large animal housing and the property line was too close to protect residents if people aren't considerate of their neighbors. Sharon Casper indicated that she has no problem with animals but is concerned about the numbers. Robert Evans questioned whether ¼ acre wouldn't be sufficient for large animals.
  - No one commented negative.
- Mayor Judd closed the hearing.

#### **COUNCIL DISCUSSION AND ACTIONS ON ANIMALS IN RESIDENTIAL & COMMERCIAL ZONES:**

- The Council discussed what would be too close for animals and felt that in most instances the 10 foot distance was good if people were considerate. The Council agreed that ½ acre of dedicated ground was a good standard for large domestic animals.
- James moved that they approve Bill 2021-4 as redrafted, Linda seconded, motion passed.
- Mark moved to suspend the rules of reading Ordinance 2021-4 the Amendment to Lewisville City Code Title 8 Chapter 5 Subsection 8 on three different days and once in summary in accordance with Idaho Code §50-902 and to read Ordinance 2021-4 only once in summary, James seconded. Roll call vote: Linda, yes; James, yes; Mark, yes; motion passed.
- James read the summary of Ordinance 2021-4 the Amendment to Lewisville City Code Title 8 Chapter 5 Subsection 8. James moved to approve Ordinance 2021-4, Mark seconded. Roll call: Mark, yes; James, yes; Linda, yes. Motion passed.

#### **MAINTENANCE REPORT:**

- Mayor Judd reported that the road reconstruction on 450 North and 465 North has been completed. The gravel will be swept off soon. It was brought up that the tracks at 465 North are really rough and 450 North is kind of rough. George will have maintenance move the gravel that has accumulated there.

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

- Donetta submitted a list of bills between August 12, 2021 and September 8, 2021. She explained that the cost of reconstruction and the interfund transfer were awaiting the Council approval before sending the payment. She asked if there were any questions. James moved that the bills be paid, Mark, seconded, motion passed.



- The time for candidate filing for the election has passed but we still have the write-in option open until September 17, 2021 at 5:00 p.m. as indicated by the County Elections Office. We have had one filing for mayor, one filing for a 2-year council seat and one filing for a council 4-year seat. The other 4-year council seat is open for write-in filing. If not filled, the Council can appoint the 4<sup>th</sup> council member in January.
- James asked if Donetta had been able to get an accounting from the County Clerk on the fines and fees. She has not. They still do not have access to that information. Colleen can go with Donetta to the Court Clerk's Office and see if they can provide that information. The Council suggested that the Mayor draft a letter which can also be signed by the Council to the legislators to try to figure out how to get an accounting for fines and fees with the distribution of the funds.

#### **MAYOR'S REQUEST:**

- The Mayor has driven around the City and located several places that need to be fixed by Direct Communications due to the broadband installation. He was directed to make a detailed list for Kris to send to them.
- The right of way on the west side of the road across from the LDS Church is an area of concern. It was trenched rather than bored, but the asphalt there is very old and disintegrated. It would be moot to require that it be resurfaced with asphalt when the rest of it is in such poor condition. The Council agreed. It may be best to just remove the asphalt chunks and plant it with grass that can be mowed. The sidewalk on the corner of 480 North, directly west of the LDS Church also poses a trip hazard and needs to be repaired. This is a City problem and we need to fix it.
- The work meeting on the subdivision ordinance was also set for September 15, 2021 at 7:00 p.m. Donetta was asked to print copies of the Jefferson County Subdivision Ordinance and get them to the Council in preparation for that meeting.

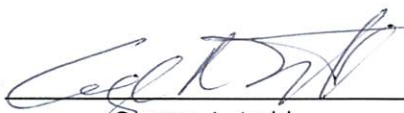
#### **ITEMS FOR OCTOBER AGENDA:**

- Subdivision Ordinance.

#### **ADJOURNMENT:**

James moved that the meeting be adjourned at 10:04 p.m., Mark seconded, motion passed.

**Minutes approved** by the City Council of the City of Lewisville on the 20<sup>th</sup> day of October, 2021.

Mayor   
George A. Judd

Date 20 Oct 2021

ATTEST:

Clerk   
Donetta R. Fife

Date 10-20-2021