

## MINUTES

### City of Lewisville Regular City Council Meeting

Wednesday, September 9, 2020

Lewisville Community Center, 3451 E 480 N, Lewisville, Idaho

Meeting was called to order by Mayor George Judd at 7:03 p.m. at the Lewisville Community Center at 3451 E 480 N, Lewisville, Idaho. Present were Mayor George Judd; Council Members, James Ball, Mark Williamson and Linda Linsenmann; City Attorney, Kris Meek; Officer Mike Miller from the Jefferson County Sheriff's Department; Clerk/Treasurer, Donetta Fife; Daniel Parrish, and Michael Parrish from Direct Communications; George Swanson and Jared Stowell from FyberCom, and residents Waco, Anna and Ladd Taylor, Robert Donnelly and Gayle Anderson.

#### MINUTES:

- Minutes for the regular City Council meeting held August 12, 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, Mark seconded, motion passed.

#### POLICE REPORT:

- Officer Miller reported that the Sheriff's Department reported 44 hours patrolling in the City of Lewisville with 15 complaints, no citations and 11 traffic stops. There was a report of a stolen vehicle in the City that had been wrecked in Bonneville County and a water a dispute. They have not received the report from the vet on the dog bite to one of the residents.
- The Mayor instructed the Sheriff's department to keep an eye on the north-south streets as they are 25 mph. Mark asked that they monitor 450 north more closely as motorcycles have been tearing up the right of way.

#### MAINTENANCE REPORT:

- With the recent storm there are a lot of trees down. Maintenance has been working on it. If people want to clean up the right of way, they can deposit the branches at the shop, but not from their personal property.
- The security camera system is up and running at all buildings. George will instruct Council how to pull it up and monitor as needed. A couple more pieces of equipment are needed to finish the Wi-Fi systems for the Community Center and the shop. We need to find out how long the backup video is available.

#### VISITORS:

- Robert Donnelly addressed the Council on the 25 mph speed limit. They have collected petitions with 77 signatures of adult residents to change the speed limit to 25 mph for the whole City. They feel it is unsafe for children and for people walking on the roads. The speed limit signs with 25 mph unless otherwise marked and then a 35 mph speed limit is placed soon after, are confusing. Mark indicated that changing the speed limit to 25 mph would not do any good as they don't obey the 35 mph speed limit that we currently have. The purpose is public safety. Kris will make contact with the Sheriff's Department and ask that they start issuing citations rather than just warning people. Word travels fast. Donetta was instructed to keep the signatures with the proposed resolution. James moved to table the resolution until next month and see if the increased tickets would have an effect on the actual speed, Linda seconded, motion passed.

- Daniel Parrish and Michael Parrish from Direct Communications updated the Council on the progress of the fiber-optic installation. They have subcontracted parts of the project to a company out of Boise. They will probably be here on Monday to start the project. A single crew will be assigned to our community from start to completion to ensure there is no lag in communication. Mayor Judd will be the contact person and can get a weekly update on the progress. They will install mainlines first then connect individual homes. Thompson Engineering has the plat for the City finished so they can use that as a basis for placement. Donetta has given them Daniel's contact number. It is the goal of Direct Communications to have the project finished by the end of November so we can get all of the paperwork filed before the deadline.
- Jared Stowell and George Swanson addressed the Council. They have several customers that would like FyberCom to provide their internet. They would like to move on that as soon as possible due to winter setting in. They were asking for a Franchise Agreement with the City in order to lay fiber optic cable in the City. The Council felt that it would be beneficial for the residents and businesses to have the option to choose from more than one company. The City needs to be cautious not to do anything to jeopardize the CARES broadband grant that we have and that Direct Communications is installing. Kris indicated that we could enter into an encroachment agreement with FyberCom and consider a franchise agreement in the future. It will be put on the agenda for next month.

#### **PUBLIC COMMENT:**

- Gayle Anderson of 3491 east 465 north, Lewisville, gave an update on the situation with the ditches that run through the City. Kevin Anderson called to register the underground ditches with Digline and they were told that they did not register ditches. Direct Communications can work around the ditches but just need someone to help identify where they run. Gayle Anderson and Mark Williamson were designated as the contact persons.
- Gayle also asked about the sidewalks that would be on private property when the City cedes the 1 rod of land on the sides of the road to the citizens. Kris said that can be addressed when we have a public hearing or a public input meeting, probably in November.

#### **BUILDING PERMIT:**

- Waco and Anna Taylor addressed the Council about the need to have a storage building on their property. They have made arrangements with Coast to Coast which will install a precut metal storage facility with a gravel floor. Anything over 200 square feet needs a building permit. James moved that the building permit be approved, Linda seconded, motion passed. They will get with Donetta to give her the rest of the plan specifications.

#### **CITY ATTORNEY:**

- Kris explained the difference between the MOU, encroachment agreement and the franchise agreement and set out what each one actually covers and why we need to pass an encroachment agreement to cover the work of Direct Communications until the franchise agreement can be passed, which under current law can't be done for 30 days from its initial presentation. The franchise agreement has a sunset date which is usually 20 to 50 years. It guarantees the company involved that they are going to maintain their business rights for that period of time. At that time, a new agreement is negotiated.
- The Encroachment Agreement with Direct Communications had previously been sent to the Council for review. Since this is not a bill but an agreement, the indication that it was a bill was removed from Agreement. James moved to adopt and sign the Encroachment Agreement as modified, Mark seconded, motion passed.

- The Memorandum of Understanding (MOU) with Direct Communications had previously been sent to the Council for review. There were no issues with the MOU. James moved that the MOU with Direct Communications be adopted and signed, Mark seconded, motion passed.
- The Franchise Agreement with Direct Communications had previously been sent to the Council for review. The Franchise Agreement cannot be adopted until at least 30 days after its introduction. James read the Franchise Agreement in summary and moved that it be published in the paper and on the website as required and placed on the October 2020 City Council Agenda, Mark seconded, motion passed.
- The need for another public hearing on the transfer of city property to residents was discussed. Kris indicated that we should have a public input hearing. He still needs to have a legal description of the property from Thompson before we can move ahead with this.

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

- A list of bills between August 13, 2020 and September 9, 2020 was presented. Mayor Judd asked if there were any questions. There were none. James moved that the bills be paid, Linda seconded, motion passed.
- The budget request of the City of Lewisville has been filed with the County.
- Thompson Engineering has finished their survey. Donetta talked with Cody and let them know that we need to have their bill paid by the end of September to be included in the current fiscal year. He said that shouldn't be a problem.
- The City's deductible for our ICRMP insurance has raised on employee and on cyber security claims.
- Donetta will only be sending City information to the City-designated e-mail addresses in order to minimize risk. All members were urged to use caution when opening up e-mails.
- Donetta gave an update on the fiscal year 2020 budget for the City of Lewisville. The fiscal year ends on September 30, 2020 and we have a couple of large bills that have not come in yet. We are currently well within our budget.

#### **MAYOR REQUEST:**

- Mayor Judd opened a discussion on the use of cargo containers on personal property within the City. Jefferson County does not allow cargo containers in R-1 zones but does allow them in C-1 zones. The Council agreed that they are not consistent with the look that we would like to have within the City. We could modify the code to exclude them with a couple of exceptions like during the building phase of a home (removal 30 days after a certificate of occupancy is issued) or for a certain period when people are moving but then set a definite time for removal. This discussion will be added to the Agenda for October to get more input.

#### **BEAUTIFICATION**

- A new tree has been planted to replace the tree on the northwest lawn of the Community Center. This is the third tree planted in that spot. There may be a problem with the soil due to previous use of the property.

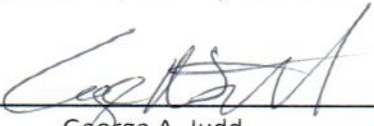
#### **OTHER:**

- James asked if we have ordinance covering roosters crowing in the City. The Lewisville Code provides for 10 hens per acre but roosters are not permitted within the City. Also it could be a violation of the disturbing the peace ordinance. Mayor Judd suggested the he talk to his neighbors first and then if there needs to be any further action, it can be discussed at a later meeting.

**ADJOURNMENT:**

James moved that the meeting be adjourned at 9:15 p.m., Linda seconded, motion passed.

**Minutes approved** by the City Council of the City of Lewisville on the 14th day of October, 2020.

Mayor   
George A. Judd

Date 14 Oct 2020

ATTEST:

Clerk   
Donetta R. Fife

Date 10-14-2020