

**AMENDED MINUTES  
CITY OF LEWISVILLE REGULAR CITY COUNCIL MEETING  
AND HEARING TRANSFER OF A PORTION OF LEWISVILLE RIGHT OF WAY**

Wednesday, November 11, 2020  
Lewisville Community Center, 3451 E 480 N, Lewisville, Idaho

Meeting was called to order by Mayor Judd at 7:12 p.m. at the Lewisville Community Center at 3451 E 480 N, Lewisville, Idaho. Present were Mayor George Judd, Council Members, Mark Williamson, C. James Ball, Linda Linsenmann and Brigham Briggs; City Attorney, Kris Meek; Clerk/Treasurer, Donetta Fife; Officer Mike Miller from the Jefferson County Sheriff's Department and residents Roxie Ashbocker, Bob Donnelly, Janet Williams, Phyllis Merrill, Celena Lewis, Doug Walker, Chris Hinckley, Anna Taylor, Waco Taylor, Brad Barnes, Linda Wolcott, Matt Rosenberg, Janet Walker and Terry Fife.

**CALL MEETING TO ORDER – 7:12**

**ROLL CALL:**

- Mayor Judd -- present
- Mark Williamson -- present
- James Ball -- present
- Linda Linsenmann -- present
- Brigham Briggs -- present

**LEWISVILLE TO CEDE 1 ROD OF PROPERTY TO ADJACENT PROPERTY OWNERS**

The purpose of the hearing was to get input from citizens on the option to cede one (1) rod of property from the City's right of way to the property owner adjacent to the property. This is the second hearing on the matter and Notice has been published twice in the Jefferson Star, on November 4, 2020 and on November 11, 2020 and posted at the Community Center, the library, Post Office and on the City of Lewisville website: [cityoflewisville.org](http://cityoflewisville.org).

Residents participating in the discussion: Doug Walker, Janet Williams, Bob Donnelly, Linda Wolcott, Janet Walker, Roxie Ashbocker, Mark Williamson, Celena Lewis and Brad Barnes.

Questions that residents had are:

- Q. Has anything changed since the last meeting?  
A. The survey has been completed and the stakes have been set to mark the center of the streets and the corner markers of the lots at a point that includes 1 rod of the City right of way. A map was provided that shows where property lines will be if the property is transferred. The survey is based off of the original survey of the Townsite of Lewisville that was performed in 1889. Markers were placed where the original markers were placed but have long since deteriorated.
- Q. Will there be any new easements?  
A. The easements that are currently on the property that would be transferred will transfer with the property. Property owners will assume the liability issues that run with the easements as well as the property itself. The power poles and telephone boxes that are currently located on the right of way which would be transferred, would stay on that property as the easements were granted prior to the property transfer. New easements will be located on that portion of the City of Lewisville right of way that will remain as City of Lewisville property.

- Q. Will the trees that are currently on City property become the responsibility of the land owner?
- A. Yes. They will become the responsibility of the new land owner. However, the City of Lewisville is involved in the Jefferson County Multi-Jurisdiction Disaster Mitigation Grant which has been submitted. This grant provides for the removal of trees in dangerous condition. If the City retains the property, all trees on the right of way will be removed. However, if the property is ceded to the residents, those residents will have the option to keep the trees or have them removed.
- Q. How do you determine if a tree is dangerous?
- A. All of the old Cottonwood trees in Lewisville are over 120 years old, which is 20 years past life expectancy. They will all be removed if the property is left in the possession of the City.
- Q. Will the property owners' property descriptions be changed?
- A. The property description for the ceded property will actually be the map that was created by Thompson Engineering and which is on display here at the meeting. No individual property descriptions will be created.
- Q. Will the property tax go up if we receive the extra property?
- A. When you have more property, you will pay taxes on the additional property. However, the property ceded is not developed property, so the tax on it should be minimal.
- Q. What about the sidewalks? Will they be the responsibility of the new land owner?
- A. Yes. Since they would then be on the property transferred, the liability would also transfer. Kris explained the law and precedence of prosecution when it comes to someone falling on a sidewalk in front of a person's house. The Mayor explained that there are grants for sidewalks and the City will be trying to get a grant to put sidewalks on the City's right of way so the people will have a place to walk rather than on the road.
- Q. The Ditch that is on the right of way currently will sometimes be located on property that will be transferred. Does that become the liability of the new property owner?
- A. Yes. Mark explained that if the ditch is transferred and there is a problem, it will become the liability of the new land owner.

People who gave input in support were 3, no neutrals, and 2 opposed. The main opposition and concern came from residents who would have liability for current easements for the ditch, power poles, telephone boxes and trees if the property is transferred.

Doug Walker wanted to know if he could get a copy of the map. Donetta will send it. If the property is transferred, the ordinance will be on the [cityoflewisville.org](http://cityoflewisville.org) website.

Mark moved that the hearing be closed, Linda seconded, motion passed.

**Opened the Regular City Council meeting at 7:40 p.m.**

#### **MINUTES:**

- Minutes for the regular City Council meeting held October 14, 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.

#### **POLICE REPORT:**

- Officer Miller presented the statistics for the current period of September 10, 2020 to October 16, 2020. There were 65 hours patrolling within the City with 19 calls, 2 citations and 28 traffic contacts. There were a couple of domestic calls. Kris asked if the citations were for traffic violations.

James mentioned that he had called Idahoan and complained that their trucks are not complying with the speed signs within the City. It seems to be effective if the citizens will call when a company's trucks are not obeying the posted speed limit.

**BUILDING PERMIT APPLICATION FOR OFFICE BUILDING FOR TETON BIRD DOGS:**

- Chris Hinckley would like to bring in a prebuilt shed and place it on his current driveway. It is not a permanent structure but it is over 200 ft<sup>2</sup>. He indicated that he does not have any employees and will not have any employees so he does not need to comply with the requirement to provide a restroom facility. He will have electricity in the building but no water or sewage. He is having plans drawn.

**JEFFERSON COUNTY MULTI-JURISDICTIONAL MITIGATION PLAN:**

- Rebecca Squires from the Jefferson County Emergency Management explained to the council the purpose of the multi-jurisdictional mitigation plan. The City of Lewisville has been included in the preparation of the plan with Mayor Judd being the representative for the City. The plan has been approved and the City of Lewisville needs to adopt the Plan by Resolution. The plan provides for potential grant money to remove the old trees and other seismic upgrades that would be beneficial to the City. Copies of Resolution 2020-3 have previously been sent to the Council for inspection. James moved that the Council approve Resolution 2020-3 adopting the Multi-Jurisdictional Mitigation Plan, Brigham seconded, motion passed.
- The approval of the Plan by Resolution now makes the City eligible to apply for FEMA and BRIC grants on a 75/25% match. The grant is on the Jefferson County webpage.
- Rebecca also mentioned that she has arranged to have interns help with the implementation. We have 5 years before we need to review the plan. Donetta was instructed to calendar the Plan for a 5-year review.

**MAINTENANCE REPORT:**

- Gary has the road equipment ready for snow. The question was asked if we are going to sand the railroad crossings. The Mayor indicated that we might want to do that on 450 North as there is a steep incline, but there are no stop signs at the other crossings. The east-west streets will be sanded at both ends to enable people to stop and start safely.
- James presented a bid for a pole light at the City Garage. We currently have a camera on a pole but there is no light, we cannot see what is happening over there. The Council discussed the importance of being able to monitor activity there. The expense will be covered under the maintenance budget. The Council agreed that he should proceed with the pole light.
- The roads in the City will need to be repaired in the spring as the installation of the fiber optic network has damaged quite a few places.

**PUBLIC COMMENT AND INPUT:**

- Doug Walker expressed a concern that communications put out to residents by the City had a negative tone. The notice on broadband and the reminder to the residents to be good neighbors, with reminders how to do that were cited.
- Council asked Donetta where this all came from. She explained that a resident had come to City Council on March 11, 2020 complaining that snow from a neighboring property had been pushed into the right of way on his side of the street [*See City Council Minutes March 11, 2020*]. She was instructed to prepare a mailing for the City in October. (The mailing was presented to the Council on October 14, 2020 and approved with modifications for mailing to residents.)



- One of the main issues was with snow removal and piling snow on property that does not belong to the resident. Matt Rosenberg wanted to where snow removal was addressed in the code. After some deliberation, Donetta said the snow was referenced as “debris” *[All waste, of any kind or nature, including, but not limited to... Section 4.1]*. Kris felt that snow did not fall into that definition so the City had no code reference to cite. Idaho State Code Section 18-3907 addresses the issue and was read by Kris. Mayor Judd indicated that the City would not take an action with regard to snow removal. All complaints would be referred to the Sheriff’s Office.
- Mark encouraged the residents to be good neighbors and considerate when moving snow.
- Donetta apologized for the negative tone in the mailings and asked for volunteers from the community to review future notices for negative tone. She indicated that she would send these to Doug and any other resident interested in reviewing them to make sure they were positive while still getting the message across.
- Residents were instructed that they were not to pile snow so as to block the clear view of intersections as this is a citable offense.
- Donetta was instructed not to bold or highlight words when putting together a notice.
- Mayor Judd concluded that we should be good neighbors and keep snow on our own side of the road. Snow should only be pushed across the road if permission is given by the adjacent landowner to pile it there.

#### **CITY ATTORNEY:**

- There are no current cases in the Court system.

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

- Donetta submitted a list of bills between October 15, 2020 and November 11, 2020. She asked if there were any questions. There were none. James moved that the bills be paid, Brigham, seconded, motion passed.
- A Treasurer’s 4<sup>th</sup> Quarter – Year End Report for FY 2020 had been sent to the Council for approval. James moved that the Treasurer’s 4<sup>th</sup> Quarter – Year End Report for FY 2020 be accepted, Brigham seconded, motion passed.
- We are moving along on the broadband installation as authorized by the Department of Commerce Broadband Grant for Households. We have been given a projected date to have the cable lighted as the week of Thanksgiving. The pre-audit report has been authorized by the DOC and figures are being sent to Searle Hart, the City’s auditor.
- The holiday decorations for the Community Center are being put up within the next week. James will install the electrical outlet so the wreath can be lighted. Hopefully it will add a little cheer to the community at this time of isolation.
- The reimbursement to cities under the CARES Act has provided funding for iPads for the council in order to facilitate zoom meetings and the transfer of documents at no expense to the City. These were distributed and acknowledgements of receipt were signed. We still have funds that we could spend if anyone has an idea for a need.

#### **MAYOR REQUEST**

- Mayor Judd asked for input from the Council with regard to cargo containers on properties within the City. All containers over 200 ft<sup>2</sup> will need a building permit and the Council can stipulate that the containers must meet setback and made to look complimentary to the home and surrounding area. James moved that discussion on this item be postponed indefinitely, Linda seconded, motion passed.

- Mayor Judd presented Resolution 2020-4 which would declare the City of Lewisville as a second amendment sanctuary city. Kris explained what this would actually mean and indicated that it is probably more of a political issue rather than a legal issue. James moved to accept Resolution 2020-4 Declaring the City of Lewisville as a 2nd Amendment Sanctuary City, Mark seconded. The Council requested that a roll-call vote be taken: Mark – yes; James – yes; Brigham – yes; Linda – yes, motion passed unanimously.
- The 25 mph speed limit discussion which was continued from September was resumed. The present emphasis is on enforcing the speed limits that we currently have rather than imposing a 25 mph speed limit that will be difficult to enforce. James moved that the discussion on this matter be placed on the agenda for December, Linda seconded, motion passed.

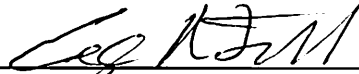
#### COMMUNITY CENTER:

- Linda completed an updated inventory for the Community Center and it was consistent with the inventory on file. She will send a copy of the updated inventory to Donetta.
- Donetta is trying to get a fogger for use in the Community Center and Library to deter the transmission of the COVID-19 virus and other viruses and bacteria. The cost of the fogger will be covered by the CARES reimbursement funds. It is in the preauthorization process.

#### ADJOURNMENT:

Brigham moved that the meeting be adjourned at 9:22 p.m., James seconded, motion passed.

**Minutes approved by the City Council of the City of Lewisville on the 9<sup>th</sup> day of December, 2020.**

Mayor   
George A. Judd


Date 10 Mar 2021

ATTEST:

Clerk   
Donetta R. Fife

Date December 9, 2021 / forward to 10, 2021

**Amended minutes approved by the City Council of the City of Lewisville on the 10<sup>th</sup> day of March, 2021.**

Mayor   
George A. Judd

Date 10 Mar 2021

ATTEST:

Clerk   
Donetta R. Fife

Date March 10, 2021