

MINUTES
CITY OF LEWISVILLE REGULAR CITY COUNCIL MEETING
AND HEARING ON TRANSFER OF PROPERTY
Wednesday, July 14, 2021
Lewisville Community Center, 3451 E 480 N, Lewisville, Idaho

The meeting was called to order by Mayor Judd at 7:08 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, residents and nonresidents.

ROLL CALL:

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

PLEDGE OF ALLEGIENCE -- Linda Linsenmann

TRANSFER OF A PORTION OF RIGHT OF WAY TO ADJACENT RESIDENTS HEARING:

- Mayor Judd opened the Hearing and read the presentation of a transfer of 1 rod (16.5 feet) of right of way to adjacent resident. It has been published on June 30, 2021 and July 7, 2021 in the Jefferson Star as well as posted on the City of Lewisville website, cityoflewisville.org and at the Lewisville Community Center, Post Office and Library as required by law.
- Mayor Judd asked for pros: Residents responded as follows: Matt Rosenberg indicated that he felt the only drawback would be the residents having to mow the 16.5 feet. Many people already mow the right of way by their property. He also asked why the Council had authorized the survey originally. Doug Walker spoke in favor of the transfer indicating that it would give residents more pride in caring for the property if they owned it. He also wanted to know what the City's plan is for beautification and consistency. The Mayor asked if anyone else had pro comments; no one came forth.
- Mayor Judd then asked for neutral comments. Elaine Haggard indicated that she would like to have ownership of the land but that the cost to move the fence was beyond their ability. She wondered if the City had a plan to help people on fixed incomes. Mayor Judd asked if there was anyone else to speak neutral; no one came forth.
- Mayor Judd then asked for comments against the transfer. The following people came forth to speak: Lee Hinckley, Dick Jones, Linda Wolcott, Sharon Casper, Roger Nield, Lori Williamson, Rex Tinker, Gail Anderson, Brad Barnes, Betty Richards, Gard Flint, Curtis Thomas and Craig Drake. They made the following points:
 - The land to be transferred is lower than the property he currently owns and it would be very difficult to keep it watered and mowed under the current setup.
 - The underground ditch was buried by the City and would now be on private land.
 - The fence lines would be zig-zagged as some would move fences and some would not and it would not be pleasing to the sight.
 - Underground ditches are not being maintained and would be the person's liability.
 - Property insurance would increase considerably because of increased liability.

- Unkempt grass and weeds would be a problem on property where people did not move their fences.
- Their current water rights might not be sufficient to water the additional ground.
- Tree removal is above the cost that a lot of the residents can afford.
- The sale of real property would be hindered as the new resident would not understand the uneven fence lines and lack of consistency in the City.
- Those who have limited funds will not be able to take care of the additional property and the responsibility that comes with it.
- Trailers, tractors and trucks would be parked in the right of way and would not add to the beautification.
- There would be extra costs and liability on people who don't really want the land or the liability.
- Some residents don't want to and/or don't have sufficient equipment to weed whack and maintain all of that extra property.
- Some residents are getting older and don't want the extra work it would bring.
- The property is not being ceded evenly to all residents as some streets are not eligible due to roads and railroad right of ways. So some people receive a lot of property and others receive nothing.
- The sidewalks that would be on personal property would take extra work to remove.
- Elderly people with fences up now would just have to take down those fences and leave access open.
- People with water rights would have limited access to the ditch to get their water.
- The owners of the water will have to maintain the ditch even if it is on someone else's personal property.

Mayor Judd asked for additional negative responses. There were none. Mayor Judd closed the hearing.

COUNCIL DISCUSSION AND ACTIONS ON PROPERTY TRANSFER:

- Mayor Judd explained that during the survey of the property, the point was brought up that we had an extremely wide right of way and that it may be good to cede a portion of that to the residents adjacent to that portion of the right of way. Even with the transfer we would still have 65 feet of right of way which would allow for increased lanes of traffic and sidewalks. In the two previous hearings on this matter, the majority of the people who testified were for the transfer, so he presumed that was the opinion of the community. After this hearing, it is clear that the majority of the residents are not in favor of the transfer.
- Insurance companies would have to prove negligence in order to bring action against a resident for incidents taking place on their property.
- Mark addressed some of the issues: The number of building lots might increase by a few but if lots were divided in a little larger portions, the income to the sellers would be the same. So there is no real benefit there.
- Mark also indicated that increased parking for semis, trailers, manure spreaders, derelict cars and more would detract from the beautification of the City. The point that you would have more control over your driveway isn't really valid as if there is a problem with your driveway, the City isn't going to fix it.
- The official survey by Thompson Engineering will correct the inconsistencies of different surveys over the past years and will bring consistency into property boundaries.

- Kris Meek addressed the question why we had the survey done originally. The survey was started:
 - To make the City eligible for grant funds for a transportation study and for grant funds for a wastewater system. Without that survey we are not considered eligible for any grant money and all improvements would come out of the residents' pockets.
 - For plat correction and to help establish building setbacks. The setback requirements are measured from the center of the road or the surveyed property line and with time the roads have migrated and the center of the road is indiscernible and old corner stakes have long ago disappeared. Now we have an accurate point to measure from.

James moved to table the matter of ceding one rod of property to residents indefinitely. There was no second. James moved not to cede property in the right of way and to allow Thompson Engineering to finish setting markers at the correct positions; Brigham seconded. Some residents did not clearly understand what the motion meant so James explained that a yes vote was actually a vote not to cede the property. A roll call vote was taken: Mark – yes; James – yes; Brigham – yes; Linda – yes. Motion passed.

James moved to have the police report before the next public hearing, Linda seconded, motion passed.

POLICE REPORT:

Officer Mike Miller reported that it was a pretty slow month with 92 hours in the City, 17 calls, 2 citations and 37 traffic stops. The calls were mostly medical calls, animal complaints and controlled burns. James wanted to know why there were 37 traffic contacts and only 2 citations. Mayor Judd also explained that since the roads are being resurfaced, the 35 mile an hour signs have been covered and the 25 mph speed is in effect for gravel roads. Randy Drake asked how many of those 92 hours are spent sitting in the City or just responding. The hours include the time the officers' spend traveling to a call. Randy would like to see more patrolling in the City instead of just responding. Our current contract provides for 40 hours a month. They also enforce items in the Lewisville Code that the County doesn't have in its code.

ANIMALS IN RESIDENTIAL AND COMMERCIAL ZONES PUBLIC HEARING:

- Mayor Judd opened the hearing on the topic of discussion of providing for domestic animals in residential and commercial zones and Council's proposal for modification. Notice of the hearing was published on June 30, 2021 and July 7, 2021 in the Jefferson Star as well as posted on the City of Lewisville website, cityoflewisville.org and at the Lewisville Community Center as required by law and also at the Post Office and Library.
- The Mayor took input from the citizens and explained what was going on. All buildings that are currently in place will be grandfathered in. The nuisance laws will apply and be will be enforced.
- The Mayor asked for pros. The following citizens gave testimony: Rex Tinker, Linda Wolcott, Betty Richards, Patsi Hinckley, Gayle Anderson, Waco Taylor, Blair Merrill and Blake Ball. They offered the following points:
 - Seasonal grazing of more animals than the Code currently permits would be beneficial to those who just want to have their pastures eaten off.
 - Some residents don't have animals all year around, but just need to keep things looking nice by having the pastures grazed off.
 - The 50 feet requirement to keep sheds and barns from property lines is good.

- Some residents are currently in excess of the allotted amount of animals and those people will be able to stay within the Code limits and still take advantage of what the land produces.
- It will help residents better utilize the space they have.
- It will let people self-regulate to keep their pastures under control.
- There have been situations in the past which were undesirable like having a pig farm with 40 pigs across the road and the stench that it caused. She is hoping that the nuisance ordinance will eliminate that possibility.
- The nuisance ordinance will protect the neighbors.

Mayor Judd asked if anyone else had positive comments. None came forth.

- Mayor Judd then asked for neutral comments. Chris Hinckley expressed that he thought it was a good start but doesn't understand why there has to be a half acre dedicated ground for domesticated animals. He also feels that the 4-H exemption should be left in and that educational purposes should also be included.
- Mayor Judd then asked for negative comments. The following residents gave negative comments: Sharon Casper, Doug Walker, Julia Lewis and Celina Lewis. They made the following arguments:
 - Some have good neighbors and they take care of their animals, but she doesn't want to have a pig next door.
 - Doug felt the ordinance was poorly written. He felt that there should be a limit on confined animals. He also asked how many nuisance ordinance violations the City has been able to prosecute in the past and that a nuisance is a hard thing to prove.
 - It is better to set the cap at the beginning rather than go back and try to clean up a mess after it occurs.
- Mayor Judd asked if there were any additional comments. No one came forth. He closed the hearing.

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

The Council discussed the following points:

- Mark feels that the 4-H provision needs to be left in. Also that there needs to be a cap on the amount of animals allowed. He agrees that there is a smell problem with the pigs.
- Kris indicated that the wording, "including, but not limited to" could include anything. He feels that you should limit the animals to the ones that you want.
- James feels that the words coops and hutch need to be reconsidered. It should be reevaluated in the work meeting.
- Kris suggested that they might allow seasonal grazing, but there should be a top number somewhere – maybe what is reasonably sustainable.
- The 4-H provision, educational provision and seasonal grazing should be considered.
- Better define coops and hutches.
- 50 foot may not be possible for small lots with small animals.
- Mark moved that this item be tabled and that a work meeting be held on July 28, 2021 at 7:00 p.m. Linda seconded, motion passed. Another public hearing will be required with the new draft.
- A resident asked what happens when someone is in violation of the current Code. The law is still in effect because the law is as it is currently written. The Mayor must still enforce the law as it is written when he receives a complaint.

MINUTES:

- Minutes for the regular City Council meeting held June 9, 2021 had previously been distributed by the Clerk. James moved that the Minutes be approved, Mark seconded, motion passed.
- Minutes for the regular City Council meeting held June 23, 2021 had previously been distributed by the Clerk. James moved that the Minutes be approved, Mark seconded, motion passed.

PLAT REVIEW – JEREMY MATSON, TIMOTHY KISER, ET AL.

Plat for subdivision at 500 N 3400 E Lewisville was reviewed. A portion of that property is within the boundaries of the City of Lewisville.

- Jeremy Matson, Drew Kiser and others bought this piece of property. It is a little over 40 acres and it is a hay field. They are proposing splitting it up into 10 plots. They are proposing that the City okay the plat with the 3 split parcels. The current total acres in the City is 4.8 acres. James could see that this could be a future problem. He feels the lots should be annexed into the City of Lewisville.
- One of their concerns is the time that it would take between the County and the City of Lewisville. They would like to move on this as soon as possible.
- Kris indicated the Council could approve the plat and then approve stipulating future annexation of some or all of the properties as set forth in Idaho Code 50-222. They are not opposed to annexing. The problem arises when the lots are sold, the individual property owners would have to consent to annexation.
- One concern is that they have provided pressurized irrigation but are not providing for an HOA.
- Only 3 lots can access a private road onto a Jefferson County road so there will be 4 private gravel roads that lead into the subdivision.
- Jefferson County's Planning and Zoning hearing on the issue is set for August 5, 2021 and then on August 13, 2021 they come before the Commissioners. We could stipulate that the plat is approved upon annexation into the City afterwards.
- James suggested the City might approve the plat conditioned on annexation to the City of Lewisville. The property has to be annexed before it is sold. The County Clerk's office would need to be notified of the annexation.
- James made a motion to approve the plat of Countryside Meadows upon the stipulation that it is annexed into the City of Lewisville after County approval. Brigham seconded, motion passed.

James moved that the Council take a short break at 10:25 p.m. The Mayor called the meeting back into order at 10:25 p.m

MAINTENANCE REPORT:

- Rick Crabtree has been hired as the City's new maintenance lead.
- Mayor Judd reported on the progress of the street resurfacing. The base and gravel have been laid, compacted and are currently being driven down by local traffic. The chip-seal will be applied at the end of August.
- Mayor Judd introduced the possibility of obtaining a flashing speed signs. It comes with all of the options. The matter was tabled until after the budget planning meeting when an update of the current budget will be available. We could also project the expense forward into FY 2022.

CITY ATTORNEY :

- The City has one domestic violence case that it is presently prosecuting.

CLERK/TREASURER:

- Donetta submitted a list of bills between June 10, 2021 and July 14, 2021. She asked if there were any questions. There were none. James moved that the bills be paid, Mark, seconded, motion passed.
- The third quarter of the City's fiscal year ended June 30, 2021. The third quarter reports are being prepared and will be presented for approval in August.
- The City has received the first half of the American Rescue Plan Act funds. The spending of these funds must meet certain criteria and reports will have to be filed to show compliance.
- The Annual Budget Hearing for FY 2022 is set for August 11, 2021. An Amended Budget hearing for FY 2021 will also need to be held to include all grant funds, etc. that the City has received during FY 2021 which are not shown on the original Appropriations Ordinance. The Fee Schedule for 2021-2022 will also need to be set up for a hearing on that same day.
- Forms for elections will be placed on the website, in the library and from the Clerk by August 1, 2021. The first day to file a form is August 23, 2021 and the last day is September 3, 2021.

COMMUNITY CENTER:

- The fiber optic cable should be placed in the raceway that comes directly into the Community Center.
- Bathroom exit light needs fixed in the men's bathroom.

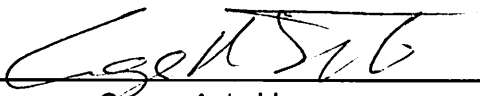
BEAUTIFICATION:

- A tree at the community center split in the last wind storm and had to be cut down.

ADJOURNMENT:

Mark moved that the meeting be adjourned at 11:00 p.m., James seconded, motion passed.

Minutes approved by the City Council of the City of Lewisville on the 11th day of August, 2021.

Mayor 
George A. Judd

Date 11 August 2021

ATTEST:

Clerk 
Donetta R. Fife

Date 8-11-2021