



MINUTES : REGULAR COUNCIL MEETING
THURSDAY, MARCH 22nd, 2018 6:00 p.m.

DOVER CITY HALL, 699 LAKESHORE AVENUE, DOVER, IDAHO

Present: Mayor Shaha and Councilmembers Brockway, Evans, Guthrie and Strand. Staff – Planner, Clare Marley; Clerk, Michele Hutchings

Public present: Curtis Johnson, Bill & Gloria Stuble, John Sletager, Brett Evans, Eric and Laurlyn Eldenburg

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE: Mayor Shaha called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

II. PUBLIC COMMENT: Gloria Stuble of Bayside South asked City to look into road repairs near post office where road is soft and spongy.

III. NEW BUSINESS:

1) Review/Approval: Final plat of Dover Bay Planned Unit Development, Dover Meadows lots 3A & 3B, Subdivision File #SUB007-17 - Marley gave introduction & overview of location, correspondence, etc. Reviewed memo to council. Asked council for questions. Strand didn't see reference to DEQ (Dept. of Environmental Quality) approval of plans. Marley confirmed, PHD (Panhandle Health District) followed with signature to plat. Brockway referred to infrastructure completion notes and asked if they were completed by developer, Marley confirmed only partially. Brockway concerned those items not completed in full. Strand in agreement & referred to sections 5 & 6 of development agreement, asked Clare for interpretation. Marley stated city staff raised similar concerns during West Beach Court platting, staff reads development agreement to require infrastructure to be complete before signing the plat. Brockway asked about requested notes on plat vs. bonding before infrastructure is completed. Strand not comfortable with disputed development agreement. Has no doubt developer will come through with completion, doesn't want to hold up progress but would like to figure out how to address differences of interpretation of development agreement for future plats. Brockway agreed, council needs to decide how to approach. Strand favors additional comments on the plat. Brockway suggested council could agree to accept plat with addition of requested notes this final time. Guthrie in agreement with Brockway & Strand. Strand stated both City & Developer would have to agree mediation or modifications to the development agreement. Mayor sums up 3 options: approve, deny or approve with notes. C. Johnson of High Circle Rd. suggested if dispute is settled prior to approval of plat, all parties may be more motivated. Strand said city & developer have agreed to disagree for some time, he doesn't care to delay developer any longer than necessary due to current active market. Eldenburg explained what developer is asking for is the same as every subdivision since 2005. Assurances are guaranteed by development agreement regardless of interpretation of the infrastructure completion timing. Eldenburg stated City engineer, Brett Converse agreed that the infrastructure should be completed prior to first certificate of occupancy. Eldenburg reminded council they accepted approval of West Beach Court plat under same terms of the plat as presented tonight. Developer has always proved good on his word. Mayor reminded that while Eldenburg can make verbal guarantees, Schweitzer & Idaho Club are examples to be avoided. Mayor & council job is to be sure that City is protected. Mayor & council did fail to have full understanding with previous plat for West Beach Court. Mayor & staff have spent many hours with developer to agree upon interpretation of development agreement. Council is responsible for making good decisions for residents & users of the utility systems. Brockway asked why not add the comments to the plat? Eldenburg will take to developer, see if he agrees. J. Sletager cited a past disagreement with how previous building planner & floodplain administrator ruled on venting of a garage. Stated change in code was interpreted from the time the project was approved through previous city staff. Cited change in code and how it was interpreted by new city staff was an issue. Marley objected, clarified it was a FEMA decision, not a city staff decision. J. Sletager disagreed. Strand reminded of CO (certificate of occupancy) issue from last meeting agrees COs not a good time to enforce city code. B. Evans asked for clarity as to timeline for infrastructure as related to signature of plat. Asked if development agreement is cut & dried. Eldenburg asked for approval contingent upon the certifications put on the plat. Brockway concerned if council agrees

As approved by Council at meeting on 4/12/18 (mch)



now, how does council proceed in the future? No incentive to mediate differences. Eldenburg says new replat is coming forth soon in a different area. Guthrie asked Eldenburg how it was done at very beginning. Eldenburg stated approvals were on same basis, lot sales allowed, infrastructure had to be completed before CO & occupancy. B. Evans commented developers usually try to do utilities last to allow sales to fund development. Roads usually necessary before utilities. Mayor offered that council has option to put off decision tonight. Brockway suggested option to approve with addition of notes as requested by city staff and to plat no others until development agreement is mediated. Strand agrees with this option. Mayor asked if council members Guthrie or Evans have comment. K. Evans is wondering why different tonight than before. Guthrie agrees to approval of plat as is, developer has followed through in past. **Brockway moved** to approve the final plat subject to payment of outstanding fees and the condition that notes be included stating a. "The roads within the subdivision are privately maintained. No road shall be maintained by the public until it is brought up to city road standards, dedicated to the City of Dover, and accepted by the City into the road maintenance system." b. "The approval of this plat by the City of Dover is based upon the Development Agreement recorded at Instrument #682105, records of Bonner County, Idaho. Completion of sewer, water, storm water features, roads, and other essential utilities are the responsibility of the owner. The City of Dover bears no responsibility or liability to complete these improvements. The City shall not issue certificates of occupancy prior to the completion of the water, sewer, roads, storm water, and other essential utilities." For this replat only. **Strand 2nds**. Eldenburg asked for clarification about future plat approval. Mayor clarified if next platted area has established infrastructure and meets the requirements of the development agreement as the city has interpreted, should not be an issue. Eldenburg confirmed infrastructure for 4B2 is already in as staff & city intended. **Brockway moved** to amend the motion to reflect Mayor's clarification, **Strand 2nds**. **Roll call vote:** Brockway-Aye, Evans-Aye, Guthrie-Aye, Strand-Aye. **Motion carries**. Marley confirmed next draft plat is under review. Eldenburg confirmed both water & sewer are in, roads not in yet. Suggested may be back to council w/Parkside plat within 1 month's time. Eldenburg refers to staff memo stating "may consider" vs. "will accept". Eldenburg finds this ambiguous. Agreement is for terminology of "will consider". Mayor confirms council would like to move forward with a legal determination of the development agreement regarding final plat requirements. Mayor asks if there are other comments. None offered.

2) Discussion/Decision: Public Hearing date for Fiscal Year 2018-2019 Budget; Thurs., 8/16 @ 6:00 p.m. - Mayor stated requirement for filing budget public hearing date/time. Proposal is for 8/16 @ 6pm with regular council meeting afterward. May also approve appropriations ordinance same evening. Guthrie asked if budget planning can begin later than July. Discussion followed about timelines & who should/should not participate in budget process. Mayor reminded all that the budget is tool to run city. Guthrie stated Treasurer should present budget. Strand appreciates Brockway's secretarial notes & preparation for council discussions, last year went very well. Mayor offered council could add budget workshops in addition to regular meetings. Strand prefers only having regular council meetings, including budget as agenda topic. Guthrie agreed. Mayor asked council to bring ideas to meetings & actively participate. Brockway suggested council be familiar with Chart of Accounts and Profit/Loss statements. K. Evans will be working with Treasurer very soon to get up to speed. August 16th, 6pm is date/time agreed upon for public hearing.

3) Discussion/Decision: Golden Rule Roofing Proposal-Roof repairs front of City Hall – Mayor reviewed handyman report and roofing quote, asked council to consider. Strand thinks quote is not out of line, budgeted funds available. Brockway mentioned ice dams, possible extension of heat tapes. Suggested start with the quoted work, add more heat tape if roofer recommends. Strand agreed. **Strand moved** to authorize the Mayor's signature on the Golden Rule Roofing proposal for \$3,800, **Brockway 2nds**. **Roll call vote:** Brockway-Aye, Evans-Aye, Guthrie-Aye, Strand-Aye. **Motion carries**.

4) Discussion/Decision: UP Grant application focus – Mayor looking for council's thoughts for grant suggestions. Crosswalk at Dover Joe's suggested by Strand, Brockway agreed. K. Evans doesn't like flashing lights due to possible complaints from residents in immediate area. Direction is for safety crosswalk.



IV. CONSENT AGENDA: Council agreed to hear this agenda item after public comment. Mayor asked council for questions or comments about any of the consent agenda items. None offered. **Brockway moved** to accept consent agenda as presented, **2nd by Guthrie**, all in favor - **motion carried**.

V. FUTURE AGENDA ITEMS/MEETINGS: Mayor reviewed upcoming meetings as listed on Agenda. Guthrie will have reports for 2 BCATT meetings at next meeting. Mayor suggested adding BNSF public hearing details to website 5/23 8am @ Ponderay Events Center & 6pm @ Sandpoint Middle School. Mayor asked for Congleton matter to be on agenda for April. P&Z workshop date/time is 4/25 6pm @ City Hall. May 9th will be next DURA/Joint Council meeting beginning at 5/5:30pm.

VI. ADJOURNMENT: **Strand moved** to adjourn, **Brockway 2nds. All in favor - motion carried**. Meeting adjourned at 7:46 p.m.

Respectfully submitted – Michele Hutchings, Clerk