



**MINUTES: REGULAR COUNCIL MEETING**  
**THURSDAY, FEBRUARY 14<sup>TH</sup>, 2019 @ 6:00 p.m.**  
**DOVER CITY HALL, 699 LAKESHORE AVENUE, DOVER, IDAHO**

**Present:** Councilmembers Brockway, Goodvin, Strand, Mayor Shaha attended via phone. Councilmember Evans absent. Staff – Planner Clare Marley, Clerk Michele Hutchings.

**Public Present:** Sign in sheets recorded with minutes

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE** Council President Strand called meeting to order at 6:02 p.m.

**II. PUBLIC COMMENT:** No public comment was offered.

**III. PUBLIC HEARING:** VAR002-18, Trenbeath – Variance to allow for a 15-foot front yard setback, where 25 feet is required by city code, and a rear yard 10-foot setback, where 25 feet is required. Strand opened the public hearing at 6:07 p.m. Marley introduced quasi-judicial process. Strand asked for council to disclose any conflicts of interest. Strand stated he is friends with many of the neighbors, does not affect his ability to make a decision on matter. Brockway knows Kubiak from council, Travis and others-no conflict. Marley gave summary of application for two variances for two separate structures on property. Previous administrative decision was not relative to the variance for setbacks. Presentation prepared by Marley was thoroughly reviewed. Public comment letter submitted from Mr. & Mrs. Bean was read into the record by Marley. Marley shared letter with council for review.

Applicant presentation began with Marty Taylor from James A. Sewell Engineering stating applicants, counsel and architect were present. Seeking limited variance exception for rear and side yards. Concerns were with emergency vehicle access and turnaround on property. No agency comments adverse to the project. Taylor clarified some misrepresented measurements and statements about heirs and future owners from public comments. Not a request for convenience, not supported by the record. Lot shape, constraints, preserving mature trees, sloped property, and vegetation all taken into consideration by owners. Reasonable parking and ADUs are not special privileges, they are rights afforded to all. Not asking for deviations from use, no change in zoning requested. Owner has not created situation of property shape and constraints. Public interest refers to traffic hazard, situation detrimental to public which is not present here, travel way not impeded. Not a request to vacate right-of-way.

Next presentation by architect Eric Owens of Saylor Owens Kerr Architecture explained process and difficulties working with site, importance of respecting and honoring site, neighbors, topography.

Council questioned applicants. Strand asked if area to south is steep section. Owens confirmed. No other questions from council.

Marley reviewed process and variance provisions, standards for review, proposed conditions of approval, motions reviewed for both approval and denial, reasoned statements. No questions from Goodvin. Brockway asked about special circumstances, shape of property. Marley answered primarily peculiarity of land, lot of waterfront.

Public testimony in favor of variance was given by Charesse Moore.

No public testimony given from neutral parties.

Public testimony against variance was given by Cassandra Meyer, Susie Kubiak, Cary Childress, George Eskridge, Denise Travis, Paul Nowaske, John Hansen read letter on behalf of Joseph and Daniela Krasnec and had his own personal comments to add. Public testimony concluded.

Applicant rebuttal by Taylor began with clarifications to locations, ADU size. Confirmed site plan cannot be modified without council approval. Same opportunities of variance application and request are afforded to grandfathered properties. No vac of right-of-way is being requested and city engineer sees no conflict. Applicants' counsel, Toby McLaughlin, had closing comments. Referred to Dover City Code 12-8-3 and prior P&Z Commission recommendation for approval. All elements have been met. Special condition is shape of property, minimizing slope stabilization. Common rights are home and ADU. Applicants did not create the irregularly shaped building envelope as stated in Travis letter. Not asking for special privilege. No agency comments refer to conflict with public interest. Many of the public comments referred to views being disturbed. Would not change even if variance not granted, home could still be built. These

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objections are private interest, not public interest related. McLaughlin asks council to apply code, consider P&Z Commission recommendation and allow for variance.

Applicant, Mike Trenbeath, gave short statement addressing public and council.

Strand called for final questions from council. Brockway asked for clarification of variance measurement for rear yard. Restated by Taylor. Goodvin nor Strand had additional questions. Public hearing closed at 7:16pm.

**IV. NEW BUSINESS** [All New Business items listed below are **Action Items**]

1) Discussion/Decision: VAR002-18, Trenbeath: Goodvin opened with comments by opposition. Many had to do with beauty of area, views, obstructions. Doesn't feel that argument is valid. Property values going down, probably could not be substantiated. Emotional subject, passionate asks for neighbors to work together. Strand asks council to review all 5 criteria. Strand agrees difficult shaped building lot. Suggests site plan could be moved more east and south to not require variance. Brockway agrees land is unique shape, but still buildable. Strand and Goodvin agree. Strand asks for any other comments and questions. Asked Marley to review motions for council. **Brockway moved** to deny variance, File #VAR002-18 for a 15-foot front yard setback, where 25 is required by city code and a 10-foot rear yard setback where 25 feet is required by city code, finding that it is not in accord with the general and specific standards of the City of Dover because the special conditions and circumstances do not exist that are peculiar to the land, structures, or buildings in the same district. **2nd by Goodvin. Roll Call vote:** Brockway-Aye; Evans-Absent; Goodvin-Aye; Strand-Aye.

All Ayes, variance request denied.

2) Discussion/Decision: City Attorney Contract for Legal Services: Brockway noted Snedden recently opened own practice which requires new contract. Under review, no raise had been given for several years. Contract is for \$175/hr. and inclusion in PERSI contributions. Goodvin questioned clause 7, asked why renewal monthly vs. annually. Mayor affirmed gives attorney opportunity to resign. No other questions. **Goodvin motioned** to accept the Agreement for Legal Services as presented, **2nd by Brockway. Roll Call vote:** Brockway-Aye; Evans-Absent; Goodvin-Aye; Strand-Aye. All Ayes, contract approved.

3) Discussion/Decision: T-O Engineers Supplemental Agreement No. 6, Syringa Heights Water District (SHWD) Rate Analysis and Recommendations – including cost participation from SHWD: Strand reviewed discussion from previous meeting re: asking SHWD for payment of portion of rate study. Council pleased with 50% contribution. Strand emphasized exploratory only, simply a rate study. Brockway notes been under review by council for more than 2 years. Idea to see if any cost savings for Dover residents. **Goodvin motioned** to accept the T-O Engineers, Inc. Supplemental Agreement No. 6 as presented, **2nd by Brockway. Roll Call vote:** Brockway-Aye; Evans-Absent; Goodvin-Aye; Strand-Aye. All Ayes, contract approved.

4) Discussion/Update: Chlorine water treatment upgrade: Strand reviewed, reminded updated chlorine system is part of water facilities plan. DEQ is increasing testing requirements very soon. More importantly, a safety concern. Although chlorine delivery systems vary in design, injection, instrumentation and building construction, Strand surprised at cost range for project of \$50k-\$200k. Estimate is for \$20k for engineering plus project costs. Strand asked Hansen of WSMI (Water Systems Mgmt. Inc.) about DEQ changes coming. Hansen stated DEQ changes are significant and will begin April 1<sup>st</sup>, will bring new reporting requirements. Feels DEQ will likely allow be grandfathered in for a period of time, at least time to allow for upgrade plan. Strand favors revisiting scope with T-O & Hansen with WSMI to clarify scope of project. Council in agreement. Strand will work to set up conference call early next week. Clerk asked to add to next agenda for update.

5) Discussion/Decision: Proposed Amended Resolution for Payables: Council has reviewed the proposed resolution and agrees with need for updating vendors. **Brockway motioned** to approve the proposed resolution as presented, **2nd by Goodvin.** All in favor, Resolution adopted.

**V. OLD BUSINESS:** [All Old Business items listed below are **Action Items**]

1) Discussion/Update: Cedar Ridge Road: Mayor referred to Hassell's report and IHD commissioner's concern about maintaining the road. IHD already maintains for Dover. Mayor asks for costs to be presented to council at meeting on 3/14. Brockway stated for record she and Goodvin are residents of Cedar Ridge Rd. and have confirmed with city attorney they are allowed to participate in discussions and decisions on this agenda topic.

2) Discussion/Update: Water Intake Repair Project: Strand reviewed situation and reminded of DBS (Dept. Of Building Safety) newer standard for electrical requirements. New pump arrived and installed. Not operational yet, but could be quickly. Electrical panel at R.C. Worst now with possible installation date on location in April. Clerk asked to add to next agenda.

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3) Discussion/Update/Decision: Parkside/Pomrankey re-addressing workshop: Brockway reported findings and reviewed her report and research in preparation for planning of future workshop. City's primary focus is not about liability, it's about life safety issues. Learned congressional approval is required for moving post office in future. Pomrankey map Draft v.2 reviewed. Names proposed are simply placeholders. Clerk submitted historic family names for roads to county, three were approved. Hewitt may or may not be considered. Findings from research indicates all Pomrankey Loop should be renumbered. Parkside is primary area of concern at this time. Strand suggested small work study group including staff and DBPOA FAC (Dover Bay Property Owners Financial Advisory Committee) representatives. Brockway confirmed work study group would only be considering addressing for Parkside area. Strand asks for commitment from DBPOA FAC. Mike Davis and Lee Klepinger agreed to give representation in a work study group. Brockway and Clerk will work to form work study group meeting. Brockway plans to present more information at next meeting 3/14/19. Clerk asked to add to next agenda.

4) Discussion/Decision: City's 4<sup>th</sup> Street property workshop: Marley said she is working with city engineer Hassell and P&Z Commission chairman to plan date/time for future workshop. Mayor reminded SPOT has deadline for completing construction of covered bus stop. Marley will include D. Sims of SPOT in work study group. Clerk asked to add to next agenda for update.

5) Discussion/Update: Solutions for lowering water intake pipe without dredging: Strand reminded of archaeological survey discussions from previous meetings. McNee suggests conference call with archaeologist. Strand asked for Hansen of WSMI to be included if time allows. John Sletager confirmed archaeological study was done by Dover Bay Development for much of the river shoreline at early time of development. Not knowns if required by private parties.

**VI. CONSENT AGENDA** [All Consent Agenda items listed below are **Action Items**]: Council had no questions about consent agenda items. **Goodvin motioned** to accept the consent agenda as presented, **2<sup>nd</sup> by Brockway**. All in favor.

**VII. FUTURE AGENDA ITEMS/MEETINGS:** Strand reviewed upcoming events. Council confirmed these items should be on next agenda: T-O Engineering estimate for chlorine project, Cedar Ridge Rd. project costs, Parkside/Pomrankey re-addressing.

**VIII. ADJOURNMENT** [Action Item]: **Brockway motioned** to adjourn the meeting, **2<sup>nd</sup> by Goodvin**. All in favor, Meeting adjourned at 8:21 p.m.

Mayor completed conference call participation at 8:12 p.m.

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