



MINUTES: SPECIAL COUNCIL MEETING
Joint Public Hearing with IHD
TUESDAY, JUNE 18th, 2019 @ 6:00 p.m.
DOVER CITY HALL, 699 LAKESHORE AVENUE, DOVER, IDAHO

Present: Mayor Shaha and Council Members Brockway, Evans, Goodvin and Strand. Staff – Planner Clare Marley, Attorney Stephen Snedden, Clerk Michele Hutchings. IHD Chairman Mel Bailey, Commissioners Closson, Tilley and Clerk Bishop.

Public Present: Marty Taylor with Sewell & Associates, Johnathan Thorpe and John Thorpe, Dan Parkin.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE: Mayor Shaha and IHD Chairman Mel Bailey called their respective meetings to order at 6:00 p.m.

II. PUBLIC HEARING: JOINT HEARING BEFORE DOVER CITY COUNCIL AND INDEPENDENT HIGHWAY DISTRICT (Action Item):

File #VAC001-19 – Petition to vacate public right-of-way adjoining Mill Road: James Moreland has petitioned for the vacation (abandonment) of an approximate 25' X 182' strip of unnamed public right-of-way located west and adjacent to Mill Road, south of Railroad Avenue within the City of Dover. The strip of land was deeded as right-of-way for a public highway in 1950, but was never developed as a road. The petitioner proposes the strip of land be vacated and apportioned to three lots west of the strip of land. The vacation would provide these lots with direct access to Mill Road. The petition will be considered by the Dover City Council and Independent Highway District, pursuant to Idaho Code.

Planner Marley reminded of public hearing procedures and reviewed her staff report for the city's vacation file. No written comment from public had been received. Noted agency comments from city engineers Hassell and Converse, Selkirk Fire as well as Avista. Mayor confirmed council had no disclosures to be made.

6:14 p.m: Mayor and IHD Chairman opened public hearing

Marty Taylor of Sewell Engineering, representing the applicant, reviewed the application and concluded there would be no infringement on franchise rights to utilities. Explained water line relocation as dark blue water line in map provided to be relocated to the light blue line area shown.

Public comment: Dan Parkin, 304 3rd Street, with his request that council approve the vacation application. Johnathan Thorpe, 128 Mill Road, in favor of vacation application.

6:27pm: Mayor and IHD Chairman closed public hearing

Discussion among Council members, Commissioners, Planner and Attorney Snedden regarding property value. Snedden commented no testimony or evidence for fair market value with evidence on record, wary of proceeding with remuneration. Brockway and Mayor not comfortable with asking for remuneration. Strand favored approval noting city location of easement for city utilities will more accessible. Strand stated petitioner's cost for relocation of water lines will benefit city. Goodvin agreed public access to utilities is more important than remuneration.

Goodvin motioned to approve the proposed vacation of a 25-foot by 182-foot strip of public right-of-way that is the subject of file #VAC001-19, finding that abandonment is in the public interest, based upon the findings of fact contained in the June 18, 2019 staff report and subject to the adoption by the Independent Highway District of the recommended conditions of approval, **2nd by Brockway. Roll call vote:** Brockway-Aye, Evans-Aye, Goodvin-Aye, Strand-Aye. **Motion carried.**

Commissioner Closson moved to approve petition, File VAC001-19 to vacate a 25-foot by 182-foot strip of public right-of-way described on deed instrument #33920, and to direct staff to draft the supporting findings of facts and conclusions of law and the conditions of approval for presentation to the Commissioners at the next board meeting for adoption by resolution. **2nd by Commissioner Tilley. Motion carried.**

III. ADJOURNMENT: Strand motioned to adjourn the meeting, **2nd by Brockway.** All in favor, motion carried. IHD Commissioner Closson motioned to adjourn, **2nd by Commissioner Tilley.** Meeting adjourned at 6:39 p.m.

Approved at Council meeting 8/29/19 (mch)