



**SPECIAL COUNCIL WORKSHOP**  
**THURSDAY, JULY 28<sup>TH</sup>, 2022 @ 3:00 p.m.**

**MINUTES**

**Present:** Mayor Eskridge and Councilors, Glass, Hoffman, Bledsoe and Parkin. Staff: Planner-Marley, Bill Strand-Public Works Consultant, and City Attorney-Snedden. Dover Bay Property Owners Association (DBPOA) members: Andrea Wells, John Windju, Donald Morris, Tom Lally, Jan Harrison and Administrator, Jessica Stephany. Dover Bay Design Review Board (DRB) members: John Sletager, and Marie Garvey.

**Others present:** see attached sign in sheet.

**I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL** – Mayor Eskridge called the meeting to order at 3:00 p.m., Councilor Parkin led pledge of allegiance. Roll call for attendance made.

Snedden emphasized that everyone must follow open meeting laws and only discuss the items on the agenda. Morris expressed his dissatisfaction with the City’s legal counsel being present. Snedden reassured Morris that someone from the City will be talking about each agenda item. Morris referred to agenda item VI stating that improving relations moving forward is the most important item on the agenda. Mayor expressed that each agenda item has been allocated approximately twenty-five minutes and that the meeting will have to be continued to another date if not completed at 5 p.m.

**II. CO vs. COC** – Morris stated the DBPOA/DRB certificate of compliance has been part of the City’s CO process. Morris showed an old City CO checklist stating that DRB COC and stormwater compliance were required for a CO, and that stormwater is mapped out in the site plan process on each individual lot. Morris explained that the DRB reviews landscaping and it is the post construction design stormwater management system that ties that lot into the whole project. Morris informed Council that there are properties that have been issued a CO from the City that are not compliant with DRB rules, and that this puts residents at risk for potential violation fees.

Marley informed the DBPOA that the change came about the time the CO checklist changed, and that the International Residential Code says that the City shall issue CO after the state’s final building inspection has been completed, and withholding CO for DBPOA/DRB requirements is a liability. Marley expressed her willingness to possibly explore ways to put proper notifications in place, but that the City cannot withhold a CO. Morris stated that the COC is a part of the City approved CC&R and Development Agreement. Morris discussed stormwater management. Marley informed him that when the issue arose the question of “how can we withhold the CO when the state of Idaho says everything is completed” came about. Marley read a section of the development agreement pertaining to TCO and CO. Marley stated that City staff does the floodplain review based on surveyor and engineer information. Morris stated that if final grade is not completed on that lot for landscaping and the resident attempts to proceed further with landscaping, they are in violation with the DRB. Marley stated that it is a concern if the engineer does not have accurate information and approves the stormwater management plan. Morris informed her that the DRB has a civil engineer that reviews all stormwater management plans. Marley reiterated that the City is obligated to issue the TCO/CO after the final building inspection is completed, but that the City could go back and investigate this matter as well as check the development agreement.

Glass referred to item VI. Glass expressed his dissatisfaction with recent HOA newsletters, newspaper articles, executive summaries stating that they mention individuals in an unflattering way. Morris agreed that these are good points.

**III. Transfer of remaining parks and streets within the PUD to the City** – Mayor asked Snedden to present. Snedden referred to the documents he provided for the meeting. He referred to the section of the development

agreement that states certain park areas would be transferred to the City after completion of construction. Morris continued to state that both parties must agree to terms of maintenance and operation before the transfer of park areas occurs- there has been no agreement put in place. Snedden agreed. Snedden referred to Vista Park (also known as Tank Hill) stating that it is completed. Snedden asked DBPOA what their concerns and/or obstacles that are preventing the DBPOA from transferring Vista Park to the City. Morris explained that the individuals that purchased in Dover Bay did so because it was well developed and well maintained. Morris stated that when City beach was transferred there was funding through DURA to install a dock, and he also mentioned plans to put additional parking paid for by the City for the public to use. Morris mentioned that when the fire station was granted to the City it was fully landscaped and now "it is an abomination". Morris referred to the fire station stating that maintenance is not being done- "it's a weedy mess, it's a stain on the city". Morris discussed the previous issue about putting lines on the roadway that mark the walkways on the east side of the development and street signs that state no commercial traffic on 3<sup>rd</sup> and 4<sup>th</sup>. Morris explained that the City's Ordinance does not separate out commercial vehicles and DBPOA views this as just an assault against the citizens of Dover Bay. Morris goes on to say that either there is no funding for these projects, or Council is just choosing not to do them. Morris reiterated that their concern is what is going to be done with these properties if they are turned over to the City and the City can't meet the level of operation that has been available under the care of the DBPOA. Snedden referred to the previously mentioned painting of the road and informed DBPOA that the reason the City had the line painted on the road was due to the school district requesting it after they saw children walking along the road, and they wanted a divider between traffic and the children. Snedden also informed DBPOA that it was painted on one of the roads that was supposed to be turned over to the City by the development agreement as it was intended to become a public road. Snedden stated that this is one of the reasons why it is important for the City to be able to have control of some of these major roads so that improvements can be done as needed in a timely and economical fashion. Mayor requested everyone stay on topic and that the issue at hand is Vista park being transferred to the City. Hoffman asked that DBPOA work with the City on a date as to when these properties will be transferred to the City. Morris stated that DBPOA and the City need to agree on how they will be maintained and proof that maintenance can be funded. Morris explained that there have been interactions and communications between the City and the developer regarding the City's funding sources for maintenance, and that they have never entered any kind of negotiation creating terms of maintenance funding. Morris began to speak of the raw water intake line. Snedden reminded Morris that they cannot speak about that as it was not on the agenda. Morris asked Council why they want the property and stated that DBPOA has maintained it and allowed all public access. Mayor referred to the agreement made pertaining to the transfer of properties to the city within the development agreement.

**IV. DURA Funding** – Lally asked Council if they agree that DURA should only reimburse for projects that have been previously approved. Lally named the three projects he discussed for this agenda item- the west gate entrance to allow for western entrance into City, beach improvements, and the 12" line. Mayor referred to the existing west gate entrance stating that that we have an emergency access that crosses the railroad tracks and that emergency services personnel have keys to that gate in the case of an emergency. Mayor went on to say that making it a permanent entrance is not feasible as the city would have to have a road constructed above the tracks or below and ITD is not amicable to this project. Lally requested to see documentation showing that the road would have to be constructed over or under the railroad tracks and financial reports from ITD pertaining to this project. Mayor reassured Lally that the City would work on putting that documentation together for DBPOA. Glass informed the DBPOA that the City has been working on emergency preparedness plans, and that the fire station is not in a good location. Morris stated that if the emergency plan for the west gate entrance is not in place, that is something they can work on. Morris informed Council that the fire station is located where it is because at the time it was built, it was envisioned that there would be a permanent access there. Mayor reassured the DBPOA that the City will develop a fully functional emergency plan for the west gate exit and will publish it when it is completed. Lally moved on to the next project- City beach stating that in 2005 and 2007 it was put into the DURA plan to construct improvements including a day dock at Brown's Inlet, and beach parking. Lally asked Council if this is a viable project that Council would consider putting money into. Bledsoe- confirmed that she would consider it. Mayor agreed and explained that the City has several projects that are prioritized differently. Lally moved on to the fire flow capacity reminding Council that the settlement has been reached and the 12" water line project is to be done by December 31<sup>st</sup>, 2023. Mayor confirmed that the project is currently being addressed. Hoffman expressed that there has to be "some wiggle room" in case the City runs into problems

with contracting or supplies. Morris requested that the City produce a publicly available construction schedule. Windju stated that the DURA funds are available but haven't been committed. Morris asked Council for communications regarding the 12" water line to DBPOA. Mayor informed the DBPOA that the City will make this process public, and that the process has been started but the City cannot ask DURA for funding when they don't know a cost yet. Mayor reassured the DBPOA that the 12" water line project is a top priority.

**V. Compliance with City Business Registration Laws** – Hutchings referred to the City's business registration Ordinance stating that it requires anyone doing business within the City of Dover to submit a business registration application and fee. Hutchings explained that Dover requires short-term rental applications as well, but residents within the PUD are exempt. Clerk informed the DBPOA that the City receives opposition from residents within the PUD that stated they don't have to comply because they are a part of the PUD. Morris noted that he has read the business registration Ordinance and doesn't comprehend what the issue is as far as business registration compliance goes. Morris went on to state that the business registration Ordinance doesn't mention short-term rentals and that he doesn't know if it truly applies. Morris asked what the purpose of the business registration is and what's the perception of violation within the PUD. Hutchings informed him that the perception of violation is when the city sends out notices to anyone in the City, they ask for compliance so that we have it on file as well as receiving the administrative fee. Morris expressed that he doesn't see short-term rental within the definition in the business registration ordinance. Clerk reiterated that there have been many residents within the PUD that have rentals and do not comply, but there are also quite a few that do comply. Hutchings stated that the City would like to have help from DBPOA with business registration compliance within the PUD. Morris again stated that he does not consider a short-term rental a business. Snedden informed the DBPOA that it states in the business registration Ordinance "business for profit". Harrison stated that the CC&R that residents sign require DBPOA rentals to use the Dover Bay property management personnel. Clerk stated that business registration compliance also helps the City with safety if there's an emergency, the owners can be contacted to remediate emergency situations. Lally stated that he realized there's an issue and the DBPOA needs to go back and look at CC&R to figure out what action works best that works in conjunction and doesn't violate what DBPOA agreed to the owner. Windju confirmed that he will review this request. Glass informed the DBPOA that the City implemented a safety check list for short-term rentals, and that the City can't enforce it within the PUD. Mayor expressed his concern about members within the PUD not being required to do the safety checklist. Morris stated that maybe the DBPOA could encourage Dover Bay residents to participate in this, but it would have to be reviewed within the board. Morris reminded Council that the DBPOA is restricted to the CC&R, and that the DBPOA could come up with some sort of cooperation. Mayor expressed his appreciation and stated that City rules apply for all of Dover. Mayor expressed his dissatisfaction about the CC&R's not being the same as City wide rules stating that its not fair to the community that residents within the area are not complying. Morris reminded Council that the CC&Rs are a condition on the property and were part of City approval tied in with development agreement.

**VI. How to Improve Relations going Forward** – Morris suggested Council and the DBPOA meet every six months to a year. Morris was hopeful that the Council will understand that the things they have to abide by were things that were established in the past. Snedden asked the DBPOA if they would they consider appointing a city liaison? Harrison asked Council if they would consider a liaison that comes to DBPOA meetings. Harrison informed Council that open communication would help the DBPOA communicate on behalf of the City. Morris informed Council that the DBPOA recently implemented a DBPOA administrator. Morris reminded Council that they are to have another workshop under the mediated settlement agreement. Hoffman requested that Council members and Mayor not be mentioned negatively in the HOA newsletters anymore. Morris agreed that they should keep names out of the newsletters. Mayor asked again if the DBPOA would consider a liaison and asked council to consider it as well. Mayor requested better communication on a positive level in the future and let the DBPOA know that he feels Dover Bay has been good thing for the City of Dover.

**VII. Adjournment** – Bledsoe motioned to adjourn at 5:00 p.m. All in favor.

SPECIAL COUNCIL WORKSHOP  
 WITH DBPOA DB DRB  
 699 Lakeshore Avenue, Dover, ID 83825  
 THURSDAY, JULY 28TH, 2022 @ 3:00 p.m.

NAME	ADDRESS	PHONE	EMAIL
Julie Gano	33 Higgins Ct		
James Johnson	11		
Jack Johnson	Kent and Diane Chartrand 416 Becker		
Judy Heaps	508 Becker Ln		
MIKE JENNIE	114 COMMUNITY		
Aileen Lottice	PO Box 11		
Andrea Wells	PO Box 212		