

AMENDED \*\*

## CITY OF DOVER NOTICE OF PUBLIC HEARING

The Dover City Council will conduct a public hearing on Thursday, May 19, 2011 beginning at 7:00 pm at the Dover City Hall, 699 Lakeshore Ave., Dover, Idaho, regarding a resolution of differences through mediation and a final decision on a denied request by Bruce and Heather Pedersen of 291 Syringa Heights Road, Sandpoint, ID 83864 for a special use permit for residential lodging. The mediation was conducted and notice of a resolution of differences is being provided pursuant to 67-6510, Idaho Code. The subject property is generally located at 291 Syringa Heights Road and is more particularly described as:

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 21, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Southwest Quarter;  
Thence West to a point 14 feet West of the Great Northern Railway Company right of way;  
Thence in a Northeasterly direction parallel to the Westerly boundary of said right of way 400 feet;  
Thence west 1200 feet to the West Section line;  
Thence North to the Northwest corner of said Southwest Quarter of the Southwest Quarter;  
Thence East to the Northeast corner of said Southwest Quarter of the Southwest Quarter;  
Thence South to the place of beginning, all of the above described land being in the South half of the Southwest Quarter of Section 21, Township 57 North, Range 2 West, Boise Meridian;

-EXCEPTING THEREFROM- The Great Northern Railway Company right of way and other existing easements and right of way.

-AND EXCEPTING- The following described tract:

Beginning at the Southeast corner of the Southwest Quarter of the Southwest Quarter;  
Thence North to Railway Company right of way;  
Thence Southwesterly along Railway right of way to Section line;  
Thence East to point of beginning in Section 21, Township 57 North, Range 2 West, Boise Meridian.

ALSO EXCEPTING- The following described four (4) parcels of land:

1) A tract of land located in the Southwest Quarter of Section 21, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, more fully described as follows:

Commencing at the Southwest corner of said Section 21;  
Thence South 89°58'05" East along the South line of said Section 21, a distance of 590.60 feet;  
Thence North 0°01'55" East a distance of 380.96 feet to the TRUE POINT OF BEGINNING;  
Thence North 0°01'55" East a distance of 23.80 feet;  
Thence North 89°58'05" West a distance of 205.03 feet;  
Thence South 0°01'55" West a distance of 23.80 feet;  
Thence South 89°58'05" East a distance of 205.03 feet to the TRUE POINT OF BEGINNING.

2) A tract of land locate in the Southwest Quarter of Section 21, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, more fully described as follows:

Commencing at the Southwest corner of said Section 21;  
Thence South 89°58'05" East along the South line of said Section 21, a distance of 590.60 feet;  
Thence North 0°01'55" East a distance of 384.08 feet to the TRUE POINT OF BEGINNING;  
Thence North 0°01'55" a distance of 20.68 feet;  
Thence South 89°58'05" East a distance of 499.46 feet;  
Thence South 16°15'19" West a distance of 21.54 feet;  
Thence North 89°58'05" West a distance of 493.44 feet to the TRUE POINT OF BEGINNING.

3) The North 200 feet of the West 300 feet of the Southwest Quarter of the Southwest Quarter of Section 21, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho.

4) A tract of land located in the Southwest Quarter of the Southwest Quarter of Section 21, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, more fully described as follows:

Commencing at the Southwest corner of Section 21;  
Thence East along the South line of Section 21, a distance of 973.11 feet to a point that is 14.00 feet West of the West right of way of the Burlington Northern Railroad;  
Thence North 16°14'00" East parallel to said West right of way a distance of 26.04 feet to a point on the North right of way of Ontario Street, said point being the TRUE POINT OF BEGINNING;  
Thence North 16°14'00" East parallel to said Burlington Northern Railroad right of way, a distance of 395.50 feet;  
Thence West a distance of 250.00 feet;  
Thence North 00°11'06" West parallel to the East line of said Southwest Quarter of the Southwest Quarter a distance of 913.49 feet to a point on the North line of said Southwest Quarter of the Southwest Quarter, thence South 89°58'40" East along said North line a distance of 477.66 feet to the Northeast corner of said Southwest Quarter of the Southwest Quarter;  
Thence South 00°11'06" East along the East line of said Southwest Quarter of the Southwest Quarter a distance of 237.40 feet to an intersection with the West right of way of the Burlington Northern Railroad;  
Thence Southwesterly along said right of way around a curve to the left with a radius of 17,069.39 feet a distance of 693.18 feet (the chord of which bears South 17°23'48" West 693.13 feet);  
Thence continuing along right of way South 16°14'00" West a distance of 410.00 feet to an intersection with the North right of way of Ontario Street;  
Thence West along said right of way a distance of 14.00 feet to the TRUE POINT OF BEGINNING.

The Dover City Council will hold the public hearing for the purpose of providing information to the public regarding resolution of the special use permit application on the above parcel and taking public comment on the resolution of differences with amended conditions of approval beginning at 7:00 pm, Thursday, May 19, 2011 at the Dover City Hall, located at 699 Lakeshore Avenue, Dover, Idaho. Copies of the amended conditions of approval are available for public review during regular business hours or by contacting 265-8339. Individuals with special needs of access to or participation in the public hearing should contact the City Clerk.

\*\* APPLICATION FOR LIQUOR LICENSE FOLLOWING PUBLIC HEARING.

**MINUTES  
CITY OF DOVER**

**PUBLIC HEARING  
Pedersen – Mediation Agreement  
And  
Dover Bay Liquor License Application  
To follow**

**Thursday May 19, 2011 @ 7:00 p.m.**

**DOVER CITYHALL  
699 LAKESHORE AVENUE, DOVER, IDAHO**

**AMENDED AGENDA**

Mayor Curless stated that the Public Hearing Agenda needs to be Amended to add an Application for Liquor License at Dover Bay Café following the Public Hearing.

**A motion was made by Maggie Becker to accept the Agenda as Amended to include Application for a Liquor License following Public Hearing portion, Dave Darling seconded, all in favor, motion carried.**

**CALL TO ORDER**

Mayor Curless called the May 19, 2011 Public Hearing to order at 7:17 p.m.

Present: Council Members Maggie Becker, Davie Darling and Jim Janish. Peggy Burge was absent.  
Staff: Bryan Quayle (City Planner), Susan Weeks (City Attorney) and Kym Holbert (City Clerk).

Public Present: See Sign-in Sheet.

Mayor Curless stated the purpose of the Public Hearing, to affirm or disaffirm the Mediation Agreement between the City and Bruce and Heather Pedersen.

Mayor Curless announced that Public Comment will be taken into record, but that each speaker will only be allowed two (2) minutes.

Susan Weeks, City Attorney, stated for the record that she and Ms. Robnett, Attorney for opposition, disagree on the analysis of Code 65-6710.

**PUBLIC COMMENT**

There was an open objection to the two (2) minute ruling; therefore, Bob Bossi was allotted up twelve (12) minutes to present opposing remarks from himself and six (6) others from the audience. Several others presented their opposition to the process and to the Mediation Agreement.

Susan Weeks stated for the record that Council must now affirm or disaffirm the Mediation Agreement, which would start a 28-day countdown for appeal.

**A motion was made by Dave Darling to close the Public Comment portion of the Public Hearing, Maggie Becker seconded, all in favor, motion carried.**

A brief discussion was held regarding the Mediation Agreement between Council and Attorney.  
**A motion was made by Jim Janish to not affirm the Mediation Agreement, No second. Motion dies without a second.**

**A motion was made by Maggie Becker to affirm the Mediation Agreement, Dave Darling seconded, Mayor Curless called for a roll call vote:**

<b>Jim Janish</b>	<b>Nay</b>
<b>Dave Darling</b>	<b>Aye</b>
<b>Maggie Becker</b>	<b>Aye</b>

**Motion carries, 2-1 Affirmed.**

**A motion was made by Dave Darling to close the Public Hearing portion of the meeting, Maggie Becker seconded, all in favor, motion carried.**

A brief discussion was held regarding the Liquor License Application from Dover Bay Café.  
**A motion was made by Maggie Becker to approve the Liquor License Application with the existing fee schedule, Dave Darling seconded, all in favor, motion carried.**

#### **ADJOURNMENT**

**A motion was made by Maggie Becker, seconded by Jim Janish to adjourn the Meeting, all in favor, motion carried.**

Mayor Curless adjourned the Meeting at 8:15 p.m.

Kym Holbert,  
City Clerk

MEETING DATE: 5.19.11SIGN-IN SHEET

Please Print

NAMEADDRESS

Jason Funk	2948 Ontario St
Therese Stevens	915 Lower Syringa
Rich & Kelly Jenkins	41 Upper Syringa
Jay & Nancy	75 UPPER SYRINGA HTS LN
Debbie CARL	46 Indian Meadows Rd.
Cheryl L. Stein	230 Syringa Hts Rd
James Stern	230 Syringa Hts Rd.
John Moody	2960 Ontario Rd
Bob Bossert	358 SYRINGA HTS RD
Kendall Tucker	10113 W. Pine
Bruce Pedersen	291 Syringa Hts
John Steteger	617 Ames Way
Melanie Lester	445 Syringa Hts Rd.
Martin Peck	Sandpoint
GARY PEITZ	Sandpoint