



City Council

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Robin Crotty
208-726-3841

Monday, October 1, 2018

5:30 PM

Ketchum City Hall

Present: Mayor Neil Bradshaw
Council President Michael David
Councilor Jim Slanetz
Councilor Courtney Hamilton
Councilor Amanda Breen

Also Present: Ketchum City Administrator Suzanne Frick
Ketchum City Attorney Matt Johnson
Director of Finance and Internal Services Grant Gager
Director of Planning & Building John Gaeddert

1. CALL TO ORDER: By Mayor Neil Bradshaw

Mayor Neil Bradshaw called the meeting to order at 5:30 pm.

2. ROLL CALL

3. COMMUNICATIONS FROM MAYOR AND COUNCILORS

Mayor Neil Bradshaw read a proclamation for Domestic Violence Awareness for the month of October 2018.

Councilor Amanda Breen talked about her stay in Boise and encouraged Council to look at the cycling and safety in Downtown Boise.

Councilor Jim Slanetz thanked the public for attending the street party.

Mayor Neil Bradshaw talked about the dedication of the fire training facility on October 7, 2018.

4. COMMUNICATIONS FROM THE PUBLIC on matters not on the agenda (Comments will be kept to 3 minutes)

Baird Gourlay talked about parking in the downtown core and requested Council consider parking in the alley between Leadville and 8th street. He suggested respecting the 3 ft. setback to have the alley function more efficiently.

5. CONSENT AGENDA: Note: (ALL ACTION ITEMS) The Council is asked to approve the following listed items by a single vote, except for any items that a Councilmember asks to be removed from the Consent Agenda and considered separately.

Mayor Neil Bradshaw pulled consent item 5e.

Councilor Courtney Hamilton pulled item 5a.

a. Approval of Minutes: Regular Meeting September 17, 2018

Councilor Courtney Hamilton requested corrections to the minutes noting that Council President Michael David attended the SVED event and she attended the race event. The person speaking during public comment was Ryan Santo.

Motion to approve consent item 5a with corrections as noted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Courtney Hamilton, Councilor
SECONDER:	Michael David, Council President
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

- b. **Approval of Minutes: Special Council Meeting September 18, 2018**
- c. **Approval of Minutes: Special Council Meeting September 24, 2018**
- d. **Authorization and approval of the payroll register**
- e. **Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$608,231.11 as presented by the Treasurer.**
Mayor Neil Bradshaw advised that the \$19,047 payment going to CDC was the amount that was approved in a previous council meeting and wanted it pointed out and not buried in the bills.

Councilor Courtney Hamilton questioned the payment for the Warm Springs sidewalk. City Administrator Suzanne Frick explained more bills will follow in the next couple of weeks. The project is currently under budget. Courtney Hamilton also questioned page 11 of the payment report and asked what the demo payment of project in floodplain was? Director of Finance and Internal Services Grant Gager explained that it is a refund of a demolition permit to a homeowner.

Motion to approve item 5e.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda Breen, Councilor
SECONDER:	Courtney Hamilton, Councilor
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

- f. **Recommendation to approval Alcohol Beverage License for Mama Inez**
- g. **Recommendation to approve Agreement 20257 for Argyros Theater public infrastructure reimbursement**
- h. **Recommendation to decline Terrorism Coverage with ICRMP**
- i. **Recommendation to approve Separation Agreements #20258 & #20259**
- j. **Recommendation to approve Resolution 18-026 declaring certain items surplus property**

Motion to approve the consent agenda.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Courtney Hamilton, Councilor
SECONDER:	Amanda Breen, Councilor
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

6. PUBLIC HEARINGS AND DISCUSSIONS (Public comment and input taken on the following items)

- a. **ACTION: Second Reading of Ordinance 1191 to address long term rentals in the avalanche overlay zone.**

Mayor Neil Bradshaw opened the meeting for public comment.

Lukas Thomas, resident of the area and property owner at International Village talked about the history of renting units as a short-term rental and about renting units as supplemental income. He talked about the ordinance before them tonight explaining that it takes away the property owners rights. He believes that this ordinance is ripe for challenge. Mr. Thomas advised that the ordinance as drafted would not prevail if challenged and referenced the Health and Safety reasons clause.

Mayor Neil Bradshaw talked about previous conversations regarding short term rentals in the avalanche zone due to the city's knowledge of avalanche risks. Mayor Bradshaw has talked to a few people regarding property rights and them being protected by state law. He questioned governments role in protecting the community from themselves. Mayor Bradshaw believes that visitors are not qualified to decide on avalanche risks and would like to protect visitors from making a bad decision. He questioned council what they think about renters signing a disclaimer.

Councilor Amanda Breen questioned enforcement. Mayor Neil Bradshaw advised it is a complaint-based method. If a complaint occurs, the city would have to advise the owner they could not continue to rent. City Attorney Matt Johnson read the enforcement chapter from the code and advised that a violation should be a misdemeanor. Councilor Amanda Breen brought up the education aspect that was discussed at the last meeting and questioned the education level of a long-term renter as opposed to a short-term renter? What are the different levels of education? Mayor Bradshaw questioned what we are exposing the city to in allowing a short-term rental in an avalanche area? Matt Johnson explained that city set's regulations in the avalanche zone and does not have a heightened area of liability because of that. An avalanche is an Act of God and is treated on a case by case basis. If somebody files a claim because of an avalanche the city will be named. Mayor Neil Bradshaw questioned Matt Johnson as to Lukas Thomas's comment. Matt Johnson advised that he feels quite comfortable with the City's safety health and welfare comment, however, he does find the point interesting. This ordinance relaxes the rules. Mayor Bradshaw clarified that Matt Johnson is saying this is a policy decision. There still is a philosophical question. Council President Michael David questioned if there were ordinances in place prior to this state legislation. Matt Johnson is not aware of specific ones.

Councilor Courtney Hamilton questioned if any short or long-term rentals have been enforced in the City of Ketchum in the past. City Administrator Suzanne Frick advised that staff does not know. Courtney Hamilton brought up the fact that Ketchum is one of the only cities in the country that allow building in the red zones. Council President Michael David asked if we would we go back to the existing ordinance or make another text amendment? He sees a distinction between long and short-term rentals. Councilor Courtney Hamilton would like to see better public education on all of this.

Councilor Amanda Breen does not support banning short-term rentals. She suggested opening it up to rentals in general and commented that limiting it will open the city up for lawsuits. She does not see a differentiation in education and does not want to expose the City to that.

Councilor Jim Slanetz questioned public safety and advised that he is not strongly opposed but would like to leave it the way it is.

Councilor Courtney Hamilton's concern is there is a defacto awareness that residents have that people who don't live here do not. She refers to the public safety aspect and suggested putting signs on the street post that advise people they are entering an avalanche area. She understands the legal discussion, but she questions the knowledge level and how to move forward.

Council President Michael David talked about renting year-round and possibly putting people who do not live in the mountains year-round in a dangerous situation. He agrees with Councilor Courtney Hamilton that it's a different type of person renting the short term. Michael David also voiced concerns about the enforcement issues.

Councilor Amanda Breen would like the city to fund a new avalanche study prior to making changes. She would like to re-evaluate where the red zone is. Mayor Neil Bradshaw will talk to the staff about getting a new study and questioned how they move forward. Council President Michael David said this is a threshold issue. If we don't have a good sense of the map than we shouldn't move forward. Amanda Breen is in favor of more information and talked about possibly passing an ordinance that says rentals are allowed so that it's legal. Councilor Jim Slanetz questioned how to regulate and enforce education given to the short-term rentals.

Mayor Neil Bradshaw would like to table any kind of vote at this time and take it back to P & Z. Director of Planning & Building John Gaeddert asked for clarity. City Attorney Matt Johnson suggested to table and sort at the staff level. Councilor Courtney Hamilton said in general we need to have better awareness of avalanches and would like to see more education.

Motion to table the second reading of Ordinance 1191 of Ketchum Municipal Code as set forth her in for an indefinite time period.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda Breen, Councilor
SECONDER:	Jim Slanetz, Councilor
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

b. Discussion and recommendation to Traffic Authority on parking lot rates—Mayor Neil Bradshaw

Mayor Neil Bradshaw opened the meeting up to public comment.

Julie Johnson read an article about public input. She questioned what the Council is trying to achieve with public comment

Mayor Neil Bradshaw advised this is on the agenda to talk about the use of the parking lot during slack. He wanted to know if council has direction for the Traffic Authority. The Mayor rolled out a solution that was brought to his attention suggesting 3 hours of free parking and .25 an hour after that. The Mayor advised people still need to register at the Kiosk and talked about the ease of the app and the machine. If the lot gets busy enough we can then re-evaluate.

Council President Michael David said that he wants the business owners who are affected to be heard. He talked about the ease of the app and parking in the lots. He believes this is a movement in the right direction and people are starting to park further away and walk into town. Councilor Amanda Breen does not think people know they can park for free. The signage needs to improve. Councilor Jim Slanetz is up for change because the lot is not being used as is. Mayor Bradshaw talked about the different dynamics in both lots. Councilor Courtney Hamilton agrees with the presented solution and talked about the reason for the lots. Mayor Neil Bradshaw would like to keep listening and adjust as needed. Michael David advised that we owe it to the community to better manage parking throughout the community. Mayor Bradshaw would like to see all employees park in the lots and leave the streets open for the visitors, shoppers, etc. Mayor Bradshaw will give direction to the Traffic Authority for first 3 hours free and then .25 cents an hour after that.

There was a conversation about listening to the public. Council President Michael David talked about 7 years on the traffic authority and all he has heard and learned. He is in support. Councilor Jim Slanetz would like the staff to monitor the use. Councilor Courtney Hamilton would like better signage and an ad put in the paper.

7. STAFF AND COUNCIL COMMUNICATIONS (council deliberation, public comment not taken)

a. ACTION: Recommendation to approve Contract #20248 with Blaine County Housing Authority—City Administrator Suzanne Frick

Mayor Neil Bradshaw asked for questions and comments.

Councilor Courtney Hamilton questioned overseeing 6 rental units.

Executive Director of the Blaine County Housing Authority Nathan Harvill explained what they manage and rent. Councilor Jim Slanetz questioned the Lift tower Lodge location and what the BCHA has done about renting this area? He talked about making it into workforce housing. Councilor Amanda Breen agrees. Nathan Harvill talked about the structure and about their options. He would like to rethink the one-year lease policy. Mayor Neil Bradshaw would like to find a lead developer. Nathan Harvill talked about the opportunities of the piece of land they have. Council President Michael David appreciates the work the BCHD does. He pointed out the In-lieu fees that were received and now the large employers kicking themselves. Courtney Hamilton voiced her concern over the non-profits having issues with housing.

Councilor Jim Slanetz pointed out a type in the contract and the fact that it should read that the dollar amount is \$75,000.

Motion to authorize the Mayor to sign Contract 20240 with Blaine County Housing Authority.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Courtney Hamilton, Councilor
SECONDER:	Michael David, Council President
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

8. EXECUTIVE SESSION

a. Discussion pursuant to 74-206(1)(f)

Motion to go into Executive Session at 7:08 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael David, Council President
SECONDER: Courtney Hamilton, Councilor
AYES: Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

Motion to come out of Executive Session at 7:32 pm.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Courtney Hamilton, Councilor
SECONDER: Michael David, Council President
AYES: Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

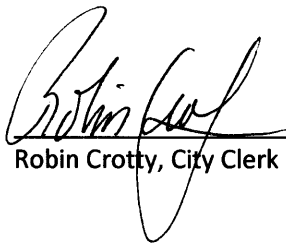
9. ADJOURNMENT

Motion to adjourn at 7:33 pm.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Courtney Hamilton, Councilor
SECONDER: Michael David, Council President
AYES: Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton



Neil Bradshaw, Mayor



Robin Crotty, City Clerk