



City Council

Regular Meeting

~ Minutes ~

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

Robin Crotty
208-726-3841

Monday, June 18, 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
Associate Planner Abby Rivin

1. CALL TO ORDER: By Mayor Neil Bradshaw

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

2. ROLL CALL

3. COMMUNICATIONS FROM MAYOR AND COUNCILORS

Councilor Courtney Hamilton met with the Ketchum Sustainability Advisory Committee. Sharon Patterson is on board working on doing a public sustainability workshop to learn how to go forward with sustainability.

Councilor Amanda Breen talked about short term rentals and regulating. She would like us to see what we can do to collect all the tax we can. Mayor Neil Bradshaw advised that an agreement with Airbnb to remit is forthcoming. Council will be put this topic on a future agenda.

Councilor Jim Slanetz advised that people seem to be pleased with all the events going on around town.

Mayor Neil Bradshaw advised that the weed topic will be brought up at the next meeting when Juerg Stauffacher is back in town. He advised that written comment can be sent in.

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

Gary Lipton, resident talked about ADA issues and complete transparency for the City. He talked about the plans that were adopted and voiced concern over Argyros and the possibility of ADA standards not being included in the plans. He voiced that there will need to be 3 plus handicapped parking spots required for that building.

Bruce Smith talked about adopting his block and taking care of the weeds as long as everybody agreed not to spray. Dandelions are not noxious weeds.

Public comment closed

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.**

Council President Michael David - removed item 5i.

- a. **Approval of Minutes: Regular Meeting June 4, 2018.**
- b. **Authorization and approval of the payroll register**
- c. **Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$676,972.24 as presented by the Treasurer.**
- d. **Monthly Financial State of the City—Director of Finance and Internal Services Grant Gager**
- e. **Recommend approval of Beer, Wine & Alcohol Licenses**
- f. **Recommendation to approve Resolution 18-015 Establishing the definition of Custodian to receive public records requests and provide and Alternate Custodian – City Clerk Robin Crotty**
- g. **Authorization to enter into Contract #20191 with AlSCO – Fire Chief, Mike Elle**
- h. **Recommendation to approve Resolution 18-017 to Appointment of new Planning & Zoning Commissioner to complete the term of Erin Smith until 4/19/2020 – Director of Planning & Building John Gaeddert**
- i. **Recommendation to approve Stevens Subdivision Preliminary Plat, Findings of Fact and Conclusion of Law**

Council President Michael David received comments from the neighbor on the proposed subdivision and questioned the measurement taken by the Fire Department.

Associate Planner Abby Rivin talked about the approval process and why it was determined that the access is sufficient. Council President Michael David questioned snow storage. Abby Rivin explained that there are no standards for snow storage and talked about the approval process at the staff level. Councilor Courtney Hamilton questioned the process for the approval. Abby Rivin explained the process and how Council has final approval.

Mayor Neil Bradshaw reiterated that the approvals are all within city code. There was a discussion explaining that this is for a preliminary plat and not an ADU. The difference between the two were discussed.

Council President Michael David questioned the fact that work is already being done during the approval process. Associate Planner Abby Rivin explained what work could be done after the preliminary plat is approved and if the final plat is not approved any changes that were made would be at the owner's expense.

Mayor Neil Bradshaw explained that this creates more density and housing and it is to code and he would like to see it move forward. Council President Michael David agrees; however, he feels this is a good opportunity for education. He has confidence in the staff and P & Z but is glad to have this discussion.

Susan Scovell, Ketchum resident and architect would like to request parking on one side of the street going forward but at least be enforced during construction. Council President Michael David said this could go to the Traffic Authority to see what could be done. Susan Scovell advised that Pat Jorgenson was not made aware that this decision was final. There were 20 trees removed today and her driveway was damaged. Susan Scovell read Pat Jorgenson's letter aloud. She questioned the approval process of the 20 ft and the snow storage and what happened to those requirement's.

Travis Stevens, homeowner next door, advised that he did not know the approval schedule, prior to the removal of trees.

Bruce Smith, Architect representing the Stevens family clarified the 17.34 ft measurement at the smallest point. They are also fire code compliant at the turn around. He talked about where they could put snow storage to please the neighbors and will make the appropriate changes to the site plan.

Mayor Neil Bradshaw will get the traffic authority to review the parking issue.

Council President Michael David reiterated that both parties are going to be neighbors in the future and would like all parties to believe they are getting a fair shake. He questioned what goes on the consent agenda.

Motion to approve the preliminary plat subdivision.

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

- j. **Recommendation to approve 231 E. Sun Valley Rd. Condo Subdivision Preliminary Plat, Findings of Fact and Conclusion of Law– Director of Planning & Building John Gaeddert**
- k. **Recommendation to approve the Cooperative Fire Protection Agreement #20201 – Fire Chief Mike Elle**
- l. **Recommendation to approve Contract #20204 Wagon Days Artist Agreement – Assistant City Administrator Lisa Enourato**
- m. **Recommendation to approve Contract #20205, #20206, #20207 and #20208 Art on Fourth Art in Public Places Agreements – Assistant City Administrator Lisa Enourato**
- n. **Recommendation to approve Contract #20209, #20210 and #20211 Art in City Hall Artist Loan Agreements – Assistant City Administrator Lisa Enourato**

Motion to remove consent with 5i removed.

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. Direction to staff to issue Request for Proposal for 6th and Leadville property

Mayor Neil Bradshaw asked Council to approve the RFP in packet. He explained that the building will remain a parking lot beneath with 2 housing floors above. Mayor Bradshaw talked about how they trimmed the proposal down from the previous proposal that was presented but said they are still allowing creativity. Councilor Amanda Breen questioned if the average median income is different, Mayor Bradshaw explained it is not.

Mayor Neil Bradshaw asked for public comment.

Gary Lipton, member of the KURA advised that the KURA received a letter from attorneys that thought nothing could be built on that lot and another neighbor complained that her view would be eliminated. He wanted to be sure the Council is aware of the history of that land.

Councilor Courtney Hamilton questioned if there is a retail requirement. City Administrator Suzanne Frick said it needs to be pedestrian orientated. Courtney Hamilton questioned 130 to 140% AMI. Her concern is this is not affordable housing. Council President Michael David advised that this is a range.

City Administrator Suzanne Frick advised that as part of the proposal they have to present how many units/bedrooms and what the rent will be. Councilor Amanda Breen advised there is enough of a difference between this RFP and the last that it is worth doing it again. Councilor Courtney Hamilton questioned the land swap? Mayor Neil Bradshaw advised that they could offer a different piece of land for the building in exchange for that piece of land. He does not want to rule that out.

Mayor and Council gave direction is to go forward with the RFP.

b. ACTION: First Reading of Off-Site Vendor Ketchum Municipal Code Amendment – Ordinance 1183

Karen Martin owner of Whiskey Jacques talked about garbage at the side of her building that has been there for weeks. She read her comments aloud explaining that there have been food trucks next to her building for years, they stole her water and they never paid her back. They have no bathrooms, water, or garbage and are not consistent with their operation. They are not the kind of businesses that should be on Main St. in Ketchum. The vision of Ketchum should be clean and neat. She talked about the safety of the propane tanks and questioned health inspections. They also don't pay property taxes. She asked Council to take this off the table.

Gary Lipton, citizen, talked about the parking guide the city passes out and about the no idling ordinance and questioned how the emissions are different between those emissions and the food trucks emissions. He gave reference to the smells.

Steve Cook, Architect, praised the workshop put on by John Gaeddert. He talked about seeking solutions to pending problems and about the restaurant industry. He talked about a radical change to an ordinance that is in place and working and advised keeping it in place and enforce just as it is. He suggested only allowing one vendor per lot and talked about regulation and enforcing what they put in place. The current ordinance is hard enough to enforce. This ordinance is not broken so don't fix it.

Mr. Witmar is in support of the food trucks as long as they follow the same rules as the restaurants do. They need bathrooms and a place to wash their hands.

Michel Rudigoz talked about employing locals and the donations they give. He talked about all that restaurants give and what is required of them. He asked Mayor and Council to think very deeply.

George Kirk talked about having another niche in town and an experience that has been successful in thriving communities in America. He talked about what the appropriate number of food trucks is and about the research that has been done in other mountain towns.

Mayor Neil Bradshaw closed public comment.

Councilor Amanda Breen questioned what the square footage is. Mayor Bradshaw advised that he is looking at the 6 to 8 range for density. He advised that this is opening up a new avenue for the next generation and talked about the pictures presented and the need for enforcement.

Councilor Courtney Hamilton talked about writing the ordinance around one lot on Main Street. She wants to create an ordinance because it's the right thing for the city. There was a discussion about the commercial core, square footage and not limiting it to Main Street. Councilor Amanda Breen questioned what the advantages are to have more than less food trucks. Mayor Neil Bradshaw advised that people who go to food trucks and go to restaurants are looking for different experiences. He talked about the benefits of the businesses and bars with the food trucks. Courtney Hamilton talked about the niche that is missing which is late night dining and grab and dash. She talked about the opportunities for young people when they can start with food trucks. The location of restrooms and density was discussed.

Council President Michael David talked about giving variety and about the public comment that was expressed today. He agrees that Ketchum's restaurants are great however, not everybody can afford

those restaurants and does not think food trucks will affect them. He likes the 500 ft. bathroom requirement and 800 sq. ft spots. Irving's lot is only 500 sq. ft. from a restroom.

Councilor Jim Slanetz agrees it has to be somewhat of a level playing field and talked about having closer restrooms and enforcing like restaurants are required to.

Mr. Witmer talked about density and health and safety of food trucks and them having to have the same enforcement as restaurants. He talked about the benefits of food trucks and said that George Kirk would need to put a restroom on his property to make an even playing field.

Councilor Courtney Hamilton talked about grease traps and trucks being inspected. Council President Michael David questioned beer and wine licenses.

Steve Cook questioned the goal the of council as well as the true objective. He questioned if the city is opening up pandora's box.

Councilor Amanda Breen respects the restaurant owner's concerns. Ordinances need to be enforced. She believes they should provide restrooms and water and only be allowed in the community core but not restricted to Main St. The pros and cons of porta potys was discussed.

Mayor Neil Bradshaw reiterated council's thoughts as needing Electricity, sewer and water, 1 food truck to 800sq. ft, bathroom within 500 sq. ft., in the commercial core, not restricted to Main St. He suggested today they make the first reading with changes and hold another public hearing at the second reading.

Director of Planning & Building John Gaeddert asked for further clarification of the size and would like to give an inventory of property's that this would affect. Maximum per lot and double lot sizes were discussed.

Attorney Matt Johnson explained how to move forward. The public hearing for this topic is optional.

Motion to approve the direction to staff as presented on the record.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Amanda Breen, Councilor
SECONDER:	Michael David, Council President
AYES:	Michael David, Amanda Breen, Courtney Hamilton
NAYS:	Jim Slanetz

c. ACTION: Second Reading of Ordinance 1184 - Short Term Rental Amendment

Opened public comment - none

Mayor Neil Bradshaw asked for council comment.

Motion to read by title only finding the text amendments are in accordance with Idaho's Short Term Rentals and Vacation Rental Act.

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

Motion to approve the ordinance as presented.

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

Council President Michael David read the title.

d. **ACTION: Warfield Exceedance Agreement #20193 and In-Lieu Housing Fund Contribution Agreement #20203 –**

Mayor Neil Bradshaw is excited about having this in our town and talked about encouraging housing and all the Warfield is doing with this project.

Mayor Neil Bradshaw opened the meeting up for public comment – no comments

Councilor Amanda Breen has concerns about the 10-year sunset. They are exceeding the requirements however, they are only offering housing for 10 years. She believes they will be setting a precedent. Mayor Neil Bradshaw questioned what the term should be. Amanda Breen explained that she does not think any type of term should be set. She would like this set-in perpetuity. She is also concerned about projects that favor one developer and about the AMI calculation. She questioned if the city has spoken to BCHA.

Councilor Jim Slanetz said the housing arrangement strays from what it has been in the past. He referenced the Barriteau project and what is being provided and talked about hiring an employee to work for less money because housing is provided. This is something the council has not supported in the past. Mayor Bradshaw and Jim Slanetz talked about the FAR requirements. Mayor Bradshaw explained they could take housing off the design and they will have met all the requirements. He thought of a compromise to have one unit for them, but the other unit should be managed by BCHA. Jim Slanetz talked about other deed restricted units and what we are getting out of it. Leaving it only as employee housing goes against the original intent of the FAR. Mayor Neil Bradshaw said that asking the owner to give up the managing of their own building is not fair. Mayor Bradshaw said they exceeded FAR and met all requirements. Jim Slanetz understands but explained that this is completely undermining the FAR Exceedance agreements we have done in the past. Mayor is saying they have met all requirements. Councilor Courtney Hamilton believes the Warfield is setting a model for future businesses in our community. She thinks it is difficult for the city to subsidize employee only housing and at the end of the day they are employers who are developing housing. Courtney Hamilton talked about the precedent Council would be setting and voiced concerns about the 10 years. Council President Michael David said employee housing is not perfect, but it is housing for people that live and work in Ketchum.

Mayor Neil Bradshaw is hearing very clearly that the term is important to everybody and perpetuity is important.

Councilor Jim Slanetz is opposed to the \$128,000 council contribution and taking public funds and setting a precedent. Council President Michael David questioned how BCHA would come up with the criteria. Jim Slanetz would rather double down and have the city own the second unit. Councilor Courtney Hamilton said this is expanding our inventory and voiced her support of subsidizing affordable housing. Mayor Bradshaw said we are paying \$128,000 and getting good usage for two units. He thinks it is important to encourage these types of units. He questioned if this should be tabled to the next meeting to make a final decision. He would like to present in perpetuity and housing preference to the applicant.

This topic will go on the July 2, 2018 agenda.

e. ACTION: Recommendation to amend the Budget for FY 17/18 and approve Ordinance 1185 – Director of Finance & Internal Services Grant Gager

Director of Finance and Internal Services Grant Gager talked about the changes to the current budget and about the money that is to be spent as opposed to the money that is actually spent. Grant Gager talked in detail about the extra spending and where the funds are being spent as well as where the savings are coming from. He is asking council to approve the amended budget and waive the 2nd and 3rd readings.

Councilor Jim Slanetz asked if the spending delves into the reserve. Director of Finance and Internal Services Grant Gager explained in the general fund we are only spending \$67,000 more in reserves than budgeted. Last year we were very conservative in our budgeting and are getting more in our user and fee revenue than we budgeted. Grant Gager explained that that reserve fund is at 15.9%. The budgeted amount was 17.2%. In next year's budget council see how we bring that back up to the recommended percentage. Jim Slanetz voiced concern about being fiscally responsible.

Mayor Neil Bradshaw asked for public comment - there was none.

Motion Pursuant to Idaho Code 50-902, and to waive the second and third readings of Ordinance No. 1185 and ready by title only.

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

Attorney Matt Johnson read the title aloud.

Motion to adopt as previously read

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

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

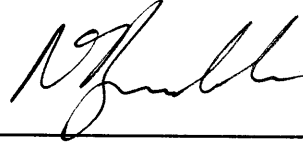
a. Direction to staff to analyze allowing winter-time long-term rentals within avalanche district for non-engineered single-family dwellings – Director of Planning & Building John Gaeddert

Mayor Neil Bradshaw explained that he would like Council to give direction to staff to look at how we can allow people to do long term rentals in the avalanche district. Councilor Amanda Breen likes the recommendation and would like to direct staff to go forward. Councilors all agree.

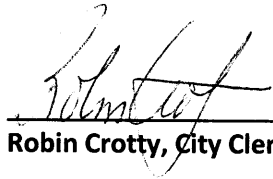
8. ADJOURNMENT

Motion to adjourn at 7:50 p.m.

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



Neil Bradshaw, Mayor



Robin Crotty, City Clerk