



# City Council

## Regular Meeting

~ Minutes ~

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

Robin Crotty  
208-726-3841

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Monday, April 16, 2018

5:30 PM

Ketchum City Hall

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

**Absent:** Councilor Amanda Breen

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

**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**

Council President Michael David talked about the great party at the end of the ski season and thanked all involved.

Councilor Jim Slanetz agreed that the end of party was a great success, however, he questioned the timing of the Slush bus route? Council President Michael David explained It should have gone every 15 minutes and they are looking at that for next year.

Mayor Neil Bradshaw praised the winter season events and welcomed John Gaeddert the new Director of Planning & Building to the city staff.

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

Mayor Neil Bradshaw opened the meeting for public comment

Gary Lipton thanked council for implementing the ADA rules and regulations on public property but advised that there is more work to be done on private property. He asked council not to make any decisions regarding public comment on Trail Creek before all public comment is heard.

Vicky Graves reminded council that they have totally denied any further extensions for Jack Barriteau's project. She wanted to make sure council understood that.

- 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.

Councilor Courtney Hamilton pulled 5 h.

Councilor Jim Slanetz pulled 5c and 5k.

**Motion to approve a,b,d,e,f,g,i,j**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Courtney Hamilton, Councilor
<b>SECONDER:</b>	Jim Slanetz, Councilor
<b>AYES:</b>	Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen

- a. **Approval of Minutes: Regular Meeting April 2, 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 \$616,680.56 as presented by the Treasurer.**

Councilor Jim Slanetz questioned the Solar Rental on the Ore Wagon Museum. Director of Finance and Internal Services Grant Gager explained that the city receives credits monthly on the Idaho Power bill and this payment is made once per year.

**Motion to approve 5c.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Slanetz, Councilor
<b>SECONDER:</b>	Courtney Hamilton, Councilor
<b>AYES:</b>	Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen

- d. **Motion to approve alcohol beverage license for the Casino**
- e. **Monthly & Quarterly Financial State of the City**
- f. **Approval of Purchase Order #20176 for Asphalt Patching Trailer Repairs**
- g. **Authorization to enter into contract #20150 for Headworks Improvements – Screen and Washer/Compactor Procurement with Enviro-Care Company**
- h. **Authorization to enter into contract #20167 with RSCI for the Headworks Building**

Councilor Courtney Hamilton questioned the funding being fronted by the Sun Valley Water Sewer District and the payback arrangement. Director of Finance and Internal Services Grant Gager explained that the City jointly funds the Treatment Plant with SVWS District. He explained that Sun Valley will be

paying the bills upfront on two of the contracts and when the Headworks project is completed the City will reconcile will refund the Sun Valley Water Sewer District in the end. Ketchum's portion is coming from the Waste Water fund.

**Motion to approve contract 20167.**

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

- i. **Authorization to enter into contract #20175 with HDR Engineering for Task Order**
- j. **Authorization to enter into contract #20177 with Claire Remsberg for Gondola Art**
- k. **Approval of Right of Way Encroachment Agreement #20178 Permitting Intermountain Gas Company to install a new gas line through city of Ketchum.**

Councilor Jim Slanetz is concerned about the ability to bury power lines in Ketchum. City Administrator Suzanne Frick explained that the City tried, however, gas and power lines cannot be buried together and the route they chose does not work for the City.

**Motion to approve K**

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

- 6. **STAFF AND COUNCIL COMMUNICATIONS (council deliberation, public comment not taken)**
  - a. **Council discussion and direction to staff on the April 4, 2018 request from Jack Bariteau to modify the agreement with Trail Creek LLC**

Mayor Neil Bradshaw advised that he is bringing this to the council's attention and is asking council to give staff direction to assist them in deciding on this request. He explained that this is just a letter. The applicant would need to file an application for a development fee amendment. The Mayor advised that he has asked staff to put a timeline on the project, so the council can understand the history of this project. He has also asked City Attorney Matt Johnson to put together a list of legal understandings that council needs to understand. Council President Michael David questioned the building permit progress and the 180-day requirement. Councilor Jim Slanetz would like to hear the legal ramification and is interested in public comment. Director of Planning & Building John Gaeddert outlined the steps that will have to happen prior to this coming back to council. Mayor Neil Bradshaw advised that public comment will come later after we receive a formal application. There will be proper noticing to the public when the time comes and there is a 15-day noticing requirement. The first time this could come back to council will be May 21, 2018.

Council President Michael David would like to know what City Council can require in terms of financing viability on any project and the property owner's rights.

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

**a. ACTION: Authorization to enter into contract #20174 for Ketchum Springs Water Line Conversion**

Mayor Bradshaw opened the meeting up for public comment. There was none.

Water Superintendent Pat Cooley presented the back ground, talked about potential savings and current leaks.

Mayor Neil Bradshaw asked Council for questions. Council President Michael David asked how this will affect Warm Springs Rd and Lewis St. Water Superintendent Pat Cooley thinks Bell Dr. will be affected the most. Councilor Courtney Hamilton questioned the noticing of the owners. Pat Cooley advised a letter will go out tomorrow. Mayor Neil Bradshaw advised that he is excited about this project and is pleased with the conservation efforts. Councilor Jim Slanetz is in favor of the project. Councilor Courtney Hamilton questioned the funding of Stage I. Director of Finance and Internal Services Grant Gager talked about what has been approved by voters and how we will proceed with Stage II. He talked about the loan agreement with DEQ but advised we will use different funding for future work. The cost of maintenance for that line was discussed.

**Motion enter into contract #20174 with Canyon Excavation in the amount of \$169,398.64, with a 25% contingency of \$42,349.66 and \$32,500.00 for city procured materials for a total project approval of \$244,248.30.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael David, Council President
<b>SECONDER:</b>	Courtney Hamilton, Councilor
<b>AYES:</b>	Neil Bradshaw, Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen

**b. ACTION: Authorization to enter into contract #20173 with Canyon Excavation LLC for 10th Street Lot Improvements**

Mayor Neil Bradshaw asked for public comment.

Jim Phillips talked about the trailing of the sheep and advised that the proposed 16 ft width does not work and he has a problem with the proposal of expanding the street department lot. He said that the city does not own the property they are proposing making the changes to. Mr. Phillips would like council to recognize a 35' corridor for the sheep to pass thru and is asking council to amend this plan.

John Peavey lives on Sitting Bull in Hailey, talked about his history of helping with the sheep and the difficulty of getting the sheep thru a narrow passage way. He requested the room to move the sheep and for council to also consider the historical perspective.

Mayor Neil Bradshaw closed public comment.

Councilor Courtney Hamilton asked if there is any way to structure it to make it 35ft. City Administrator Suzanne Frick advised that Street Superintendent, Brian Christiansen has informed Administration that there would not be room to store the equipment and the trucks would not have the turning radius they need to maneuver. Mayor Bradshaw would like to train the fire fighters and to keep the sheep happy. He thinks this is an important area for our streets and our safety and does not want this project to be stalled. Councilor Courtney Hamilton asked about the funding. Director of Finance and Internal Services

Grant Gager advised that there an additional \$250,000 left from last year. We have a proposal to spend \$24,000 on Mountain Rides but still have a large balance to fund this project. Councilor Jim Slanetz reviewed the map and brain stormed ideas with council.

Mayor Bradshaw questioned if sheep go thru other areas that are less than 35 feet. John Peavey explained that not for an extended route and fear that if they give this up they could find themselves precluded down the road.

Councilor Jim Slanetz asked Alberto Uranga a sheep herder for his thoughts. Mr. Uranga invited everyone ride with them one year. He explained there is no way to tell how much room to the right or left they need. Containing sheep is hard and requested we make the room.

Councilor Jim Slanetz questioned if we could create a right of way. City Administrator Suzanne Frick explained the short-term issue saying we can move the sheep around and make access. We need to figure out that long term solution and work with the school district and possibly create a new right of way. Mayor Neil Bradshaw stressed safety for the Street Department as well as the routing of the Sheep.

City Attorney Matt Johnson clarified that the City’s potion is that it does, indeed, own the property in question. Regarding liability we only have allegations of some kind of stock trail easement. No documentation has been presented. This has been a permissive use that has occurred for a long time. This is City land and the City has a right to control the property as it sees fit. Council President Michael David would like to move forward with this project and talked about changing the design and working possibly with 9<sup>th</sup> St. and possibly try to get it closer to 30 ft. Mayor Bradshaw said they have looked at that and he would prefer to find another route for the Sheep herders needs. He talked about the ability of sheep herders to make situations work because they are resourceful, and we will work with them to make it work. Councilor Jim Slanetz is in favor of creating a new easement and working with the school district.

**Motion to enter into a contract with Canyon Excavation LLC.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Courtney Hamilton, Councilor
<b>SECONDER:</b>	Jim Slanetz, Councilor
<b>AYES:</b>	Neil Bradshaw, Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen

**c. PUBLIC HEARING-- First reading and adoption of Ordinance 1182 to rezone Lots 17, 18 & 19 on Mortgage Row**

Mayor Neil Bradshaw opened the meeting for public comment.

Ken Dreyer property owner of the lot in question, advised that he agrees with staff recommendations.

Public Comment is closed.

Senior Planner Abby Rivan talked about the application and the request for rezone. She talked about what the Planning & Zoning commission discussed and the non-conforming lots and advised that all the lots in that area are non-conforming. Councilor Jim Slanetz asked if we should approve them all. Abby Rivan explained there are several nonconforming properties in that area which would create difficulties in blanket zoning.

**Motion to approve the first reading of Ordinance No. 1182 amending the City of Ketchum Zoning Map by changing the zoning district designation of Lots 17, 18, and 19 of Mortgage Row Subdivision from the Limited Residential One Acre (LR-1) Zoning District to the Limited Residential (LR) Zoning District.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Courtney Hamilton, Councilor
<b>SECONDER:</b>	Michael David, Council President
<b>AYES:</b>	Neil Bradshaw, Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen

- d. **ACTION - Third reading of the city-initiated text amendment amending development standards for properties located in the Avalanche District and creating standards for Neighborhood and Commercial Snow Storage Facilities. Amendments apply to Title 17, Ketchum Municipal Code, Chapter 17.08, Chapter 17.12, Chapter 17.92, Chapter 17.124, and Section 17.92.010 and Title 16, Ketchum Municipal Code, Section 16.04.040**

Mayor Neil Bradshaw presented this topic and explained that council could do a third reading or do a first reading of the amended version. He then opened the meeting for public comment.

Robin Hagenau talked about her perception of this topic being buried. She read a letter regarding the proposed avalanche law and talked about requirements for single family homes. She outlined her specific concerns. She considers the new rules an attack upon the neighborhood. This would be an unacceptable change and is asking council to do the right thing.

William Glenn gave the history of this provision and about his dealings with this. He advised that 99% of the time there is no hazard in that area. He talked about the new requirement and it being unreasonable. Mr. Glenn advised that if there is a real danger he would move out.

Jim Plomasen used to rent the house Mr. Glenn now lives in on Hillside Dr. He talked about the Avalanche area and advised that he has never seen an issue. He thinks this requirement should be taken out for existing family lots and single-family homes.

Mayor Neil Bradshaw closed public comment.

Councilor Courtney Hamilton asked for clarification of the avalanche map. Director of Planning & Building John Gaeddert explained the colors on the map and what they mean and advised when structural engineers would be involved in approving the structure. John Gaeddert explained the public process this has gone thru and advised that if council does the third reading tonight they would not be giving tonight's public comment enough consideration. He advised two different motions to proceed. Courtney Hamilton questioned single family home approval. John Gaeddert talked about the timeline when these requirements came in and went away. He explained the requirements for single-family homes that were built 40 years ago.

Mayor Neil Bradshaw questioned the possibility of a homeowner putting the home for rent and if an avalanche occurred what liability the city would have. City Attorney Matt Johnson advised, as long as the people comply with city standards the city is not responsible. Fire Chief Mike Elle advised that rescuers respond out there. Removing all restrictions increases all risks for responders responding to an avalanche.

Mayor Neil Bradshaw is in favor of option b. Director of Planning & Building John Gaeddert advised that a long-term rental is what deserves our attention. This option prohibits from renting in the winter time. Bill Glenn talked about the ability to find out who is renting. Mayor Bradshaw questioned John Gaeddert to find out if there is a 3rd option. City Attorney Matt Johnson clarified that when the council is considering a zoning amendment and its acting on a recommendation from P & Z and it makes a material change it does not require a repeat of the 3 reading it just requires one additional public hearing and requisite notice. Mayor Bradshaw would like to move forward with the route Matt Johnson identified.

Council President Michael David said this is important and is time sensitive since they cannot rent for the long term and housing is a concern in our community. Mayor Neil Bradshaw would like to move forward and address that piece of legislation later. Michael David questioned what the difference is between an owner living there and a tenant living there? He is comfortable moving forward if we commit to looking at this in the near future.

**Motion to continue the 3rd reading of this ordinance to a future date such that the amended language presented by staff could be incorporated and such that appropriate notice of a public hearing could be done.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>SECONDER:</b>	Courtney Hamilton, Councilor
<b>AYES:</b>	Neil Bradshaw, Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen

**e. ACTION: Approval of Resolution 18-010 and Authorization to enter into Contract #20164, Purchase & Sale Agreement for 191 Fifth Street West**

Mayor Neil Bradshaw opened this up for public comment.

Jim Hungelmann talked about the purchase of the 191 Fifth Street building and the sale of the parking lot. He confirmed that the Mayor and council received his letter and that it is part of the record. Mr. Hungelmann went on to talk about the Option contract on the 5<sup>th</sup> street property that says the financing is in place and that is not the case until the expiration of the 14 days. Transparency is essential. He questioned if this transaction is constitutional. He welcomes the opportunity to talk to the councilors and would like to see a legal opinion on this issue.

Julie Johnson voiced her concerns as a member of the public and understanding exactly what decisions are being made. She talked about articles in the paper and understanding the needs of the parking lot versus making money on parking and just enforcing parking managements. She stated that clearly the city needs parking

Anne Corrock talked about the budget that the city is currently working under and questioned where the \$3 million dollars is in the budget to pay for the new City Hall. Councilor Jim Slanetz asked for an explanation of Anne Corrock's question. Director of Finance and Internal Services Grant Gager explained that the purchase was discussed in executive session earlier in the year when he presented that the primary source of funding is the \$825,000 in the ESF fund that was set aside in the last 2 years. The balance will come from general fund balance and the unbudgeted revenue or savings in the current fiscal year.

Councilor Courtney Hamilton asked if there are any legal issues with approving this before the money comes in from the parking lot. City Attorney Matt Johnson replied that he does not see any legal issues as long as we've identified where the money is coming from. The sale of the parking lot just contributes to that balance. As to the question of the indebtedness to the constitution, the Council is not taking on any debt or going out for any debt on this purchase, so this is not a violation of article 8.

Mayor Neil Bradshaw expressed his excitement over this deal. The public outreach and public comment has shown the support from the public.

**Motion to approve Resolution 18-010 authorizing the Mayor to enter into Contract 20164 for the purchase and sale of the property at 191 Fifth Street West.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>SECONDER:</b>	Michael David, Council President
<b>AYES:</b>	Neil Bradshaw, Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen

**f. ACTION: Adoption of Resolution 18-012 Amending City Fees**

Mayor Neil Bradshaw asked for public comment.

Laura Drake Executive Director of the Trailing of the sheep advised that she has concerns about the proposed increase in fees. She gave statistics of the event and what it brings to the valley and talked about the education and culture it brings as well. The proposed increase in fees is a 152% increase from 2017 for a non-profit festival. She talked about the additional fees that will be charged for city services for an event that the city used to partner with. She hopes they will not have to move and asks council to reconsider these exorbitant fees.

Jerry Seiffert talked about fees what Ketchum is all about. He talked about Idaho Code, Chapter 10 Finances, and what a resort city is and why we can collect resort city taxes. He read the definition. He said we are in the hospitality business and talked about the success of Wagon Days. He gave the history of wagon days and advised that up to that time Wagon Days came into existence, Ketchum only had skiing. He suggested Council take a solid look at the fees being charged and suggested doing a contract for services with the people organizing those events.

Mayor Neil Bradshaw closed public comment.

Councilor Courtney Hamilton asked for distinction of a, b and c in the table in the fee resolution. Assistant City Administrator Lisa Enourato explained that (a) is for a small event, under 100 participants with no road closure. (b) is for a medium sized event, up to 300 people with a road closure for 1 day. (c) is for a large event over 400 people with a road closure more than one day or consecutive weeks as in the farmers market. Council President Michael David questioned category (c) and the street closure fee on top of the special event application fee. Lisa Enourato clarified that the application fee is for the processing of the application.

Councilor Courtney Hamilton asked about updating the filming fees. Assistant City Administrator Lisa Enourato said that will be talked about next year. Council President Michael David asked about designated and non-designated areas. Lisa Enourato advised what has been added in addition to what was already there. Michael David said only a portion of Picabo St. is designated and Lisa Enourato clarified that it's the area in front of Apples. Councilor Jim Slanetz thinks the fees are somewhat reasonable but wants to figure out how to work with the event organizers. Mayor Neil Bradshaw explained that we are currently trying to figure out how to hold and host more events. The Mayor asked Attorney Matt Johnson if we could treat the historical events differently. Matt Johnson advised against it. Council President Michael David asked if we could do things differently in off season. Matt Johnson explained the reasoning for the fees and how they are charged and does not advise adjusting rates in that way either. Councilor Courtney Hamilton said the more concrete we can make it, will make it easier on our staff without burn out. There is a benefit to clarifying and having definitive frame work. Michael David agreed that these fees are not exorbitant. He would like to continue looking at designated and non-designated streets. Courtney Hamilton talked about the events commission that we are developing and the fact that these fees may change when that commission is up and running. Mayor Neil Bradshaw would like this looked at again at end of year to address what has not worked. Michael David would like to figure out how to give a chunk of money to help events. Jim Slanetz talked about the opportunity to have more city sponsored events and how to go about that. Courtney Hamilton talked about addressing this during the budget process.



**Motion to adopt Resolution 18-012 adopting fees and fee schedules for all City departments.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Courtney Hamilton, Councilor
<b>SECONDER:</b>	Michael David, Council President
<b>AYES:</b>	Neil Bradshaw, Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen

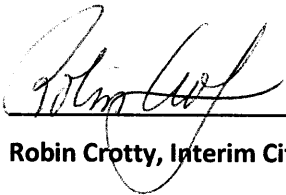
**8. ADJOURNMENT**

**Motion to adjourn at 7:34pm**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael David, Council President
<b>SECONDER:</b>	Courtney Hamilton, Councilor
<b>AYES:</b>	Neil Bradshaw, Michael David, Jim Slanetz, Courtney Hamilton
<b>ABSENT:</b>	Amanda Breen



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Neil Bradshaw, Mayor



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Robin Crotty, Interim City Clerk