



# 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, May 1, 2017

5:30 P.M.

Ketchum City Hall

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**Present:** Council President Jim Slanetz  
Councilor Anne Corrock  
Councilor Michael David  
Councilor Baird Gourlay

**Absent:** Mayor, Nina Jonas

**Also Present:** Ketchum City Administrator Suzanne Frick  
Ketchum City Attorney Matthew Johnson  
Director of Planning & Building Micah Austin  
Assistant City Administrator Lisa Enourato

**1. CALL TO ORDER: By Council President Jim Slanetz**

Council President Jim Slanetz called the meeting to order at 5:30 p.m.

**2. ROLL CALL**

**3. APPROVE COUNCIL MEETING AGENDA POSTING: RECEIVE AND APPROVE THE REPORT OF THE CITY CLERK OF THE POSTING OF THIS MEETING'S AGENDA NOTICE.**

**4. COMMUNICATIONS FROM MAYOR AND COUNCILORS**

Councilor Anne Corrock advised that at the last meeting council approved the waiving of the 3 readings of a text amendment due to the urgency. If the vote was today she would not have waived the three readings or the text amendment.

Councilor Michael David addressed the dirt/snow pile south of town. He questioned if there is a plan for removal. City Administrator Suzanne Frick advised that water and soil testing will be done and when a plan is formulated she will make the council aware.

Councilor Baird Gourlay talked about the ability of the drug coalition parking a car in the city right of way. He would like to know how we can accommodate this request. City Administrator Suzanne Frick said that staff has not been approached by the drug coalition but will reach out to them.

Councilor Baird Gourlay replied to Councilor Annie Corrock's comment regarding a sense of urgency in regard to entitlements and the reason for the urgency.

**a. Proclamation for Mental Health Day**

Council President Jim Slanetz read the proclamation for Mental Health Day. Councilor Michael David talked about events for NAMI being held during the month of May.

**5. COMMUNICATIONS FROM THE PUBLIC on matters not on the agenda**

Council President Jim Slanetz asked for public comment.

Jim Hungelmann talked about what the role of government is. He does not think the role of government is to make proclamations. He then talked about the 1% initiative and talked about democracy and hearing both sides. He gave his opinion of the 1%. Council President Jim Slanetz clarified that the city does not financially support the 1% for Air in anyway and the elections signs he is seeing are on private property. He went on to talk about the quality of life in Ketchum.

Michael Donovan for the Drug Coalition will be in touch with the City Administrator Suzanne Frick with contact information

Harry Griffith Sun Valley Economic Development pointed out that 80% of the LOT tax is paid by tourists. He voiced his support for 1% for Air for the ballot for May.

**6. CONSENT AGENDA**

- a. Approval of Minutes: Regular Meeting of April 17, 2017**
- b. Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$419,204.07 as presented by the Treasurer.**
- c. Authorization and approval of the payroll register**
- d. Recommendation to approve drywell bids for 5th & 6th Street – Street Superintendent Brian Christiansen**

Council President Jim Slanetz asked for approval of the consent calendar.

**Motion to approve the consent calendar**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Baird Gourlay, Councilor
<b>SECONDER:</b>	Michael David, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz
<b>ABSENT:</b>	Nina Jonas

**7. COMMUNICATIONS FROM STAFF AND OTHER ORGANIZATIONS**

- a. Sun Valley Economic Development Report on City of Ketchum Performance Objectives - 1Q 2017 – Executive Director Harry Griffith**

Harry Griffith Executive Director for Sun Valley Economic Development thanked council for their support and gave an update for the 1st quarter. Councilor Anne Corrock questioned the 1% for air initiative and the involvement of council. She said council is listed as a member of SVED. She would like the City removed from the membership model. He explained that employee's wear a number of hats. She clarified that we are paying for contract for services, not a member. She also talked about a separate budget for Ketchum. Harry Griffith explained that financials have been given to the City and there have been no questions to date. City Administrator Suzanne Frick explained that this is the first year with the delineation and staff will assure they are in compliant with the contract. Councilor Baird Gourlay explained that this type of service is hard to track because it is all for the valley and talked about the detail and the scope of service. City Administrator Suzanne Frick explained the background for the

requirements of the contract. Councilor Anne Corrock asked about the list of vacant properties'. Harry Griffith said he could send out an updated list.

**b. Recommendation to approve contract for well rehabilitation with Kyle Widdison – Interim Water Superintendent Pat Cooley**

Interim Water Superintendent Pat Cooley requested council to approve a contract for rehabilitation of the Big Wood Well. He gave the history of the well and the process they will go thru with the rehabilitation and reconfiguration and requested approval. He advised that this is not guaranteed. Councilor Baird Gourlay questioned if the application has been done with Idaho Power and Pat Cooley confirmed that it has and it's been approved. The cost of a new well was discussed. Council agreed that this is the way to go at this time.

There is no public comment

**Motion to approve and accept the bid of Widdison Turbine Service as recommended by staff and JUB Engineers, in the amount of \$28,500 for base bid schedule A, and in the contingent amount of \$28,825 for base bid schedule B if needed, and with a \$15,000 contingency to cover additional costs if needed, and to have the City Administrator sign the contractual documents based on these amounts.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael David, Councilor
<b>SECONDER:</b>	Baird Gourlay, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz
<b>ABSENT:</b>	Nina Jonas

**Motion to accept the quotations of Layne Pump and authorize city staff to proceed, as needed, with Layne Pump for repair and maintenance of the Big Wood well pump and motor in the amount of \$5,064 and to test pump the well in amount of \$1,800, for a total payment for step 3 of \$6,864 and to have the City Administrator sign these contractual documents based on these amounts.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Slanetz, Council President
<b>SECONDER:</b>	Michael David, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz
<b>ABSENT:</b>	Nina Jonas

**c. Recommendation to approve the abandonment a portion of the Ketchum Springs Water System -- Interim Water Superintendent Pat Cooley**

Interim Water Superintendent Pat Cooley explained the history of the Ketchum Spring Water line. He advised that the line is getting more and more expensive to repair. Pat Cooley outlined on the map the areas that they are looking at.

**Motion to authorize the City Administrator to sign the proposal with Lunceford Excavation for the conversion of the six properties identified in the staff report from the Ketchum Spring Water system to the municipal water system.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Anne Corrock, Councilor
<b>SECONDER:</b>	Baird Gourlay, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz
<b>ABSENT:</b>	Nina Jonas

d. **Recommendation to approve Argyros Exceedance Agreement – City Attorney Matt Johnson**

City Attorney Matt Johnson explained the FAR Exceedance Agreement that is in the packet and outlined the two options. Additional language the applicant is pushing for was read aloud.

Councilor Anne Corrock questioned the city owned land. She would like the location of the land be identified in the document. City Attorney Matt Johnson explained that it could be added and explained the pros and cons of adding it. He supported the language be broad. Anne Corrock questioned how we pick a piece of property. Matt Johnson explained the process the City has gone thru. Anne Corrock questioned if council has any say in the piece property selection. City Administrator Suzanne Fick explained the process that staff would follow prior to coming to council for a decision. Matt Johnson advised that this agreement is really about the alternative proposal and Argyros meeting all requirements. Anne Corrock questioned the need to amend the fee schedule. Matt Johnson confirmed no need to amend.

Ed Simon Ketchum Attorney representing a homeowner to the East of the Right of Way. He talked the noticing being inadequate and said that it lacks transparency and due process. He gave examples of other cities and the outcomes. He suggested that council get additional legal advice during the executive session this evening. He supports the alternatives in the packet.

City Attorney Matt Johnson clarified. The action being taken tonight is not vacating the right of way or approving an encroachment agreement. He explained due process and how the City would be moving forward.

Ben Worst Ketchum Lawyer, he is representing a homeowner to the West. They object to the FAR exceedance agreement due to transparency. He talked about the City already putting stakes in the ground. He disagrees with the City Attorney saying this act is illegal. The City is taking clients land and they will not let the City do this.

City Attorney Matt Johnson explained that nothing in the FAR Agreement is a concern at this time. He explained that what they are talking about today has nothing to do with either attorney's concerns.

Kristin Speckman - owner of 451 East river Street advised that her property is under construction building a new home. She objects to the right of way being used for these circumstances.

Gretchen Wagner architect for 451 East River Street she voiced her opinion that the city is getting anything out of this deal and urged them to look at this again.

Jim Garrison for the applicant explained the objective. He talked about fees for a non-profit and about the agreement before them today. He talked about the timeline of the development of this project and encouraged the council to move forward with the best option.

Council President Jim Slanetz explained that the city is in support of the development but need to stand by the city's ordinance.

Councilor Baird Gourlay agrees with Attorneys Ed Simon and Ben Worst. He does not want to pursue this option. Baird Gourlay advised that since the last meeting he has visited the house and talked about the URA possibly being approached to pay for the move. He explained the moving process and does not support the move of the house. There is a possibility of finding a smaller house that could be moved to a

different piece of property. He went on to talk about the \$1.00 fee for the housing that was discussed at the last meeting. He is in support of waiving the fees to be a partner in this. He would consider eliminating option 1 and go with option 2. Baird Gourlay questioned timing and when and how fees would be paid. Director of Planning & Building Micah Austin explained that 100% of the building fees are paid at the time the application is filed. In lieu housing fees would be collected when permit is issued. Baird Gourlay questioned the cost of the impact fees. Micah Austin explained that impact fees are charged on the additional sq. footage of the project and they have not been figured at this time. He then explained what the impact fees consist of.

Councilor Anne Corrock does not like any of the options or the language. She does not see the partnership. She said this is the wrong way to go about this. She is in support of the current code. She talked about when this went before Planning & Zoning and what was said at that meeting.

Jim Garrison for the applicant advised he disagrees entirely. He talked about the FAR Agreement and how the code is written and about other donations that we are not aware of at this time.

Councilor Michael David talked about amending option #1. Council President Jim Slanetz likes the idea of paying the full exceedance agreement up front. He does feel that we can mitigate the permitting fees. He talked about the URA involvement and about protecting our codes. Affordable housing is a concern. He would like to see Ed Lawson and Matt Johnson work together to come up with another solution that does not sacrifice our code.

Councilor Anne Corrock advised that she talked to people who have financially supported this project however she is still standing behind her decision

Council President Jim Slanetz called a break starting at 7:28 p.m.

Council President Jim Slanetz called the meeting back to order at 7:32 p.m.

Council President Jim Slanetz does not believe there is enough information to make a decision. He would like to direct staff to come back with a better agreement. Councilor Baird Gourlay explained that time is a concern for the capital campaign and would like to advise staff to come up with a timeline. Council talked about the \$1.00 option and the exceedance fees. Jim Slanetz talked about the URA's involvement. City Administrator Suzanne Frick explained that staff needs clarity if the council would like to waive fees and if so what fees. Council continued to deliberate. Attorney Matt Johnson explained what is legally defensible.

Attorney Ed Simon offered a suggestion of removing the identification language. Councilor Baird Gourlay was in agreement and asked for clarification of the fees to make a more definitive motion. Director of Planning & Building Micah Austin explained that they need the cost of the development to figure the fees however he estimated the fees as of now to be \$130,000.

Councilor Anne Corrock voiced concern over the next non-for profit that would like fees waived.

City Administrator Suzanne Frick asked for clarification and direction.

The Delta was discussed. City Administrator Suzanne Frick talked about suspending the first set of fees and collecting the second set of fees. She clarified that the direction to staff is they pay the fee up front, the city will waive all the permitting fees. City Attorney Matt Johnson explained that any change leaves potential of the applicant to disagree. Suzanne Frick explained option 1 and 2. Timeline and language was discussed.

Motion to approve exceedance agreement with removing language in exhibit b paragraph 1 the city has identified certain city controlled land where such housing could be located. (to remove that) and not include the additional land applicant language.

<b>RESULT:</b>	<b>ADOPTED [3 TO 1]</b>
<b>MOVER:</b>	Michael David, Councilor
<b>SECONDER:</b>	Baird Gourlay, Councilor
<b>AYES:</b>	Michael David, Baird Gourlay, Jim Slanetz
<b>NAYS:</b>	Anne Corrock
<b>ABSENT:</b>	Nina Jonas

e. **Recommendation to approve Will Caldwell Productions, LLC Agreement for the Ketchum Summer Concert Series – Assistant City Administrator Lisa Enourato**

Assistant City Administrator Lisa Enourato corrected a typo in the contract and requested approval of contract.

Council President Jim Slanetz asked for public comment - There was none.

**Motion to enter into a contract for services with Will Caldwell Productions LLC.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>SECONDER:</b>	Anne Corrock, Jim Slanetz
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz
<b>ABSENT:</b>	Nina Jonas

f. **PUBLIC HEARING: Second Reading City initiated text amendment to Title 17 Zoning Code, Chapter 17.132, Dark Skies, to update the existing ordinance, establish a dark sky lighting curfew, establish standards for holiday lighting, and establish lighting color temperature standard—Micah Austin, Planning and Building Director.**

Director of Planning & Building Micah Austin went over the changes the council asked for at the April 17, 2017 meeting. He outlined the four requirements and went over the changes from the light trespassing and over lighting in the ordinance that is now in front of council. City Administrator Suzanne Frick talked about the lighting at the YMCA. From the City stand point they would not have to make any modifications. He went over additional modifications regarding holiday lighting, established a timeframe for lighting to be brought into compliance and addressed city retrofit. Micah Austin talked about public comment that was received.

Councilor Anne Corrock questioned holiday lighting and the dates being in the ordinance as opposed to daylight savings time and questioned the dates for holiday lights as well as flashing holiday lights. Director of Planning & Building Micah Austin suggested for enforcement reasons that the dates be left in there.

Councilor Baird Gourlay questioned the trespassing section under lighting standards. Director of Planning & Building Micah Austin clarified what is being regulated. Baird Gourlay encouraged council not to move on the foot candle issue right away. He would like council to drive around and measure the light trespassing in the downtown area. Micah Austin clarified commercial and residential lighting and what is exempt from the code. Councilor Michael David questioned if the issues are complaint driven. Micah Austin explained that the plan is to educate. Baird Gourlay's concern is just in the commercial core. Micah Austin offered alternative language. City Administrator Suzanne Frick offered a suggestion and Micah Austin offered more clarity.

Councilor President Jim Slanetz opened for public comment. There were none.

**Motion to approve the second reading of Ordinance 1171 with Specifically add that flashing lights are allowed for holiday lighting and to Revise the Trespass and Over lighting matrix by exempting Commercial Core lighting from trespass requirements.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Baird Gourlay, Councilor
<b>SECONDER:</b>	Anne Corrock, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz
<b>ABSENT:</b>	Nina Jonas

**9. EXECUTIVE SESSION**

- a. Pending Litigation pursuant to Idaho Code §74-206 (d) and (f).

**Motion to go into executive session pursuant to §74-206 (d) and (f) at 8:47 p.m.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Baird Gourlay, Councilor
<b>SECONDER:</b>	Anne Corrock, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz
<b>ABSENT:</b>	Nina Jonas

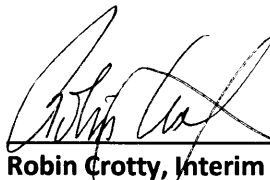
**Motion to come out of executive session at 9:15 p.m.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Baird Gourlay, Councilor
<b>SECONDER:</b>	Michael David, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz
<b>ABSENT:</b>	Nina Jonas

**10. ADJOURNMENT**

**Motion to adjourn at 9:16 p.m.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Baird Gourlay, Councilor
<b>SECONDER:</b>	Michael David, Councilor
<b>AYES:</b>	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

  
 Robin Crotty, Interim City Clerk

  
 Jim Slanetz, Council President