



City Council

Regular Meeting

~ Minutes ~

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

Robin Crotty
208-726-3841

Monday, April 17, 2017

5:30 PM

Ketchum City Hall

Present: Mayor Nina Jonas
Council President Jim Slanetz
Councilor Anne Corrock
Councilor Michael David
Councilor Baird Gourlay

Also Present: Ketchum City Administrator Suzanne Frick
Ketchum City Attorney Matthew Johnson
Finance Director/Internal Controls Grant Gager
Director of Planning & Building Micah Austin
Director of Parks & Recreation Jen Smith
Assistant City Administrator Lisa Enourato

1. CALL TO ORDER: By Mayor Jonas

Mayor Nina Jonas 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.

Interim City Clerk Robin Crotty advised council that the agenda was posted on Tuesday April 11, 2017 and has met all posting requirements.

4. COMMUNICATIONS FROM MAYOR AND COUNCILORS

Council President Jim Slanetz talked about the bike pedestrian group and what is allowed on the path and talked about connectivity. A public outreach will be set up in May or June.

Mayor Nina Jonas thanked Emergency Services for their service over the weekend.

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

Architect David Barovetto asked Mayor and Council to consider changing the start of the Wagon Days Parade from 1pm to 3pm to allow people to enjoy the City. Assistant City Administrator Lisa Enourato advised that the City has contracted with an artist and the first Wagon Days meeting is forthcoming. They will discuss this at that time.

6. CONSENT AGENDA: Note: The Council will be asked to approve all the following listed items by a single vote, except for any items that a member of the Council asks be removed from the Consent Agenda and considered and discussed separately under new business.

Mayor Nina Jonas asked for approval of the Consent Agenda.

Councilor Anne Corrock questioned the sewer line maintenance proposal regarding the length of time for the service. Water Supervisor Pat Cooley explained the start time and outlined the project. Anne Corrock questioned the Easement Agreement with Kneebone. City Administrator Suzanne Frick explained that the tree is inhibiting ADA Access and the need for the Easement Agreement.

- a. **Approval of Minutes: Regular Meeting April 3, 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 \$396,522.38, as presented by the Treasurer.**
- c. **Authorization and approval of the payroll register**
- d. **Approval of Beer & Wine License for the Hot Water Inn**
- e. **Recommendation to approve the sewer line maintenance proposal with Pipeline Inspection Services of Nampa Idaho - Water Superintendent, Pat Cooley**
- f. **Recommendation to approve the Idaho Traffic Safety Bid for paint markings – Street Superintendent Brian Christiansen**
- g. **Recommendation to approve Kneebone Easement Agreement – City Administrator Suzanne Frick.**

Motion to approve the consent agenda

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

7. COMMUNICATIONS FROM STAFF AND OTHER ORGANIZATIONS

- a. **Visit Sun Valley Presentation on Operations and Summer Campaign- Executive Director Scott Fortner**

Executive Director Scott Fortner gave the operational highlights of Visit Sun Valley and talked about Public Relations, Social Media and their partnership with the Sun Valley Company on Facebook. He talked about "Right Person, Right Place, Right Time". He went over the Target Audience, life cycle of a traveler, and talked about all the data they get from the searches. Scott Fortner talked about the strategy and the creativity behind all this.

Five commercial ads were shown as well as examples of printed ads. Scott Fortner touched on Made in the Valley, shopping, dining and family to do's. He presented new initiatives and talked about the lodging mix and capacity as well as tourism indicators. He talked about who SVMA will be targeting in the Fall. There is a semiannual community meeting at the Limelight on Thursday and the Council was invited.

Councilor Anne Corrock questioned flight information in the Fall and where SVMA is targeting. Councilor Michael David questioned the top 10 lists and how you get put on those lists as well as social media. Scott Fortner explained the mentions as opposed to the features. Council President Jim Slanetz questioned flights out of Boise and Mayor Nina Jonas asked for a 5-year average. Scott Fortner will get those numbers to council.

- b. **Presentation on Fiscal Year 2016/17 Mid-Year Budget Review—Director of Finance and Internal Services Grant Gager**

Finance Director Internal Services Grant Gager went over general fund revenue by source and expenditure by department. He talked about the heavy snow year and how it impacted the budget thru the end of March. He advised that the city is in good standing and the snow costs will not affect the other departments. Councilor Michael David questioned if the budget will be effected by the cost of the

fix of city streets. City Administrator Suzanne Frick explained the thaw, freeze and what has happened to the roads. She explained the street crews have been cold patching and a more permanent fix is forthcoming.

Finance Director Internal Services Grant Gager explained the LOT fund revenue and where we stand as opposed to previous years. He talked about where the vast majority of LOT comes from. Councilor Anne Corrock questioned if we are getting more VRBO rentals. Grant Gager confirmed and talked about state legislation. Councilor Baird Gourlay asked about the City receiving LOT from Amazon. Grant Gager advised that Amazon is collecting a seller use tax. Tax collection and Legislation was discussed.

Finance Director Internal Services Grant Gager continued by giving updates on the enterprise fund and went over the water and wastewater fund revenues and expenditures and where these funds are in the budget. Grant Gager talked about the Capital Improvement Plan and the three large projects that are in the works. Sidewalks / Atkinson's Tennis Park/ Photovoltaic Panels at Atkinsons Park Building.

Revenue is up / LOT Revenue is up / W/WW is funded as expected. Councilor Baird Gourlay would like the bids for the solar panels be analyzed so he knows what they are basing their bids on.

c. Recommendation to Approve Agreement with Lunceford Excavation for Sidewalk Infill Project – City Administrator Suzanne Frick.

City Administrator Suzanne Frick introduced Sherry Newland who presented the Ketchum sidewalk Infill 2017 project and gave the history. She went over the details of the project as well as the bid process and announced that Lunceford was the low bid. She went over the plan and the cost of each section. Sherry Newland went over the 10% contingency that would need to be added to the bid and explained why. Council President Jim Slanetz questioned the cost of the fence. Sherry Newland explained that the City will pay for a portion of the fence. Councilor Anne Corrock questioned the completion dates of the LaCabinita residential section. Sherry Newland explained that she does not have the construction plan from the contractor at this time.

Motion to enter into a contract with Lunceford Excavation Inc. in the amount of \$290,791.58 with an allocated 10% contingency of \$29,079 for a total project approval of \$319,870.58

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

d. PUBLIC HEARING: Text Amendment request from Sun Valley Performing Arts Inc. to amend Title 17.125 Off Street Parking and Loading, amending parking requirements for places of assembly— Micah Austin, Planning and Building Director

Director of Planning & Building Micah Austin presented an overview of what has been done with this text amendment and went over the analysis. Micah Austin talked about the public comment that has been received. Staff recommends approval.

Councilor Anne Corrock questioned why the project can't go forward without the text amendment and asked if the old code had an in-lieu provision for parking. Director of Planning & Building Micah Austin explained.

Jim Garrison for the applicant said they are hopeful to move forward after this meeting. He talked about the significant amount of support letters in the packet and about the donor benefactor and the people paying for this project.

Mayor Nina Jonas asked for public comment for the parking text amendment. There were none.

Council President Jim Slanetz and Councilors Gourlay and David were in support. Senior Planner Brittany Skelton clarified that the text amendment before them is for community core only. ADA requirements were discussed. Councilor Anne Corrock would like a mobility plan added to the text amendment. City Administrator Suzanne Frick outlined options for alternative transportation. Director of Planning & Building Micah Austin explained how this could be added to the text amendment

Motion to waive three readings of ord. 1173 finding the amendments in compliance with the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Ordinance and to read by title only.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Slanetz, Council President
SECONDER:	Baird Gourlay, Councilor
AYES:	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

City Attorney Mathew Johnson read the title in full.

Motion to approve Ordinance 1173

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Slanetz, Council President
SECONDER:	Baird Gourlay, Councilor
AYES:	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

I. Recommendation to approve Permanent Encroachment Agreement and Easement Agreement for Sun Valley Performing Arts Center – City Administrator Suzanne Frick

City Administrator Suzanne Frick explained the reason for the Encroachment Agreement and advised that staff is recommending approval. Councilor Anne Corrock questioned the parking spaces that will be effected. Suzanne Frick explained the drop off area and where it cuts into the public sidewalk. Mayor Nina Jonas questioned the overhang. Suzanne Frick confirmed that it will not impede other traffic.

Mayor asked for public comment. There was none.

Motion to approve the encroachment and easement agreements for the Sun Valley Performing Arts Center and authorize the City Administrator to sign.

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

II. Discussion of the Sun Valley Performing Arts Exceedance Agreement.

Tim Mott spoke as the applicant (Sun Valley Performing Arts Center). He talked about Community and about how the outdoors benefit the valley along with the cultural front. He talked about vibrancy and

economics in downtown Ketchum and gave the history of the Sun Valley Arts Theater and how it came to be and what their vision was at that time. Tim Mott talked about property tax, sales tax, LOT tax and In-Lieu fees. He asked Council to think about the unique nature of this project. He talked about Michelle Griffith's support and quoted her letter which she presented at a previous meeting. He urged the council to partner with the Sun Valley Arts Centre by waiving this fee or find another way around this.

Mayor Nina Jonas asked for Public Comment.

Brian Barsotti advised that everybody understands that there is a housing crisis. He talked about underdeveloped land and said this project is something that this community needs. He thinks this project can have the same effect as the Campion Ice House made in Hailey. He urged council to waive these fees.

Council President Jim Slanetz said he has shifted his opinion and believes the public benefits of this project outweigh the housing issue. He suggested that some of the paid parking fees go toward affordable housing. The Dollhouse Lot was discussed and how this affects the KURA. City Administrator Suzanne Frick pointed out that we don't understand all the costs and until we do she advised we stay away from this.

City Attorney Matt Johnson talked about alternate proposals and how they work. He explained that there is no waiving of the standard, however, there can be an alternative to the proposal. Councilor Baird Gourlay suggested the City come up with an alternative proposal. City Attorney Matt Johnson outlined the options that council has. Brainstorming began among council.

Applicant Tim Mott said the alternative action is to waive the fee. He suggested a zero or reduced rate for the In-lieu housing fees. He said that council could make a finding where there is a zero or reduced payment plan. Ed Lawson said it is the right and lawful thing to do. Councilor Michael David said he is willing to move in this direction for \$1.00.

Mayor Nina Jonas is very saddened by this conversation. She said that Council and staff are in support of this project, however, she is not in favor of setting a precedence. She voiced that this is very serious and does not think that \$1.00 is acceptable. She talked about a house that has been donated and advised that staff is looking for a lot for it to be put on. Council President Jim Slanetz talked about KURA involvement. Director of Planning & Building Micah Austin talked about the Design Review process and what they need to comply with.

Tim Mott addressed the Mayor's concerns regarding setting a precedent and talked about the issue of the FAR Code. He thanked everybody for trying to come up with alternative solutions. Mayor Nina Jonas attempted to end public comment. Tim Mott said that the applicant will live by council's decision this evening.

Councilor Baird Gourlay suggested waiving building fees. Director of Planning & Building Micah Austin explained that the building fees have not been calculated yet. The fees that Tim Mott is quoting were estimates. Micah Austin explained what the building permit fees are for. Attorney Matt Johnson talked about waiving fees.

Councilor Anne Corrock questioned the fund-raising efforts. Councilor Baird Gourlay is in agreement with Councilor Michael David but is also ok with getting the donation of the house.

City Administrator Suzanne Frick explained they need direction to create the exceedance agreement. City Attorney Matt Johnson explained that this could go back to staff or council could accept the \$1.00.

Councilor Baird Gourlay talked about \$1.00 as opposed to a new formula. Attorney Matt Johnson explained legal defensibility. Councilor Anne Corrock talked about the current code. Councilor Michael David talked about nonprofits shouldering this burden. City Attorney Matt Johnson would like to take a 10-minute break to discuss an alternative with the applicant.

Tim Mott, Ed Lawson, Jim Garrison, Suzanne Frick, Matt Johnson, Micah Austin have all left the room to brainstorm a plan to bring back to council. Came back to room at 9:04 p.m.

City Attorney Matt Johnson advised council of the compromise regarding a solution. It was decided that they will create a FAR Exceedance agreement and will continue the pursuit to relocate the home that was talked about earlier in the meeting. If that does not work out they would like to discuss the possibility of waiving certain fees. (possibly building fees) Staff is recommending direction to create Exceedance Agreement. The preferred option is the relocation of the house. Mayor Nina Jonas clarified that in the next two weeks there will be option A and option B presented.

Council President Jim Slanetz suggested getting rid of all permitted fees and pay the full housing fee and then go to the URA for funding. Councilor Michael David gave kudos to the Mayor and staff and the applicant for their work on this.

- e. **PUBLIC HEARING: 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 talked about the changes before them tonight. He went over the objective, background and comprehensive plan alignment and all additional research. He highlighted the code amendment objectives, presented the questions to Novus and talked about Novus's response in detail. Retrofitting was discussed. What the current lights are was debated. Not going above 3000 for nonpublic lighting was presented. Added a matrix to the code with minor modifications. Area Light, holiday lights and light trespass was presented. Micah Austin explained that it works the same way as the noise ordinance. How to measure light was discussed and enforcement was talked about. Micah Austin advised that this is strictly for outdoor lighting. Indoor lighting is not addressed.

Councilor Baird Gourlay has concerns about the YMCA. They will be in violation of the proposed text amendment change. Baird Gourlay advised that the City made them put those lights in. Director of Planning & Building Micah Austin advised that public lights are exempt. He suggested that staff work on the light trespass and bring this back. Councilor Anne Corrock has problems with the holiday lights. She does not want the funk of Ketchum changed. It was determined that blinking lights do not affect the end goal.

Mayor Nina Jonas opened the meeting up for public comment.

Steve Paulley Elkhorn resident talked about the old ordinance. He agrees with the 2700. He talked about the Davis study that was in public comment. He agrees that the topic of trespass lighting will be very difficult.

Councilor Anne Corrock questioned the LED lighting. She wants to know if it's good or bad. He explained the confusion of LED and color temperature issues.

Dani Mazzota asked if Idaho Power has offered any incentives. Councilor Baird Gourlay explained that they don't. She is in support of 2700 Calvin lights. She talked about case studies that the City can learn from. She is in support of the light trespass provision.

Brett Deer spoke regarding the YMCA lights and said they can be balanced; however, changing those lights could be a safety issue. He is fine with 3000 or 2700. He does caution the light trespassing. There will be a lot of public complaints. Mayor Nina Jonas questioned if the problem can't be controlled with Lumens. He agreed that could work but unsure of the solution. Trespassing was discussed.

Marilyn Pauley talked about health benefits in the ordinance and safety issues. She urged council to think about aesthetics. The warmth of the light in the lower numbers of Calvins is important.

Director of Planning & Building Micah Austin summarized what staff still needs to work on. Councilor Baird Gourlay is concerned about the companies with the existing lighting and how to move forward with enforcing the new lighting regulations. Micah Austin talked about the current process. City Administrator Suzanne Frick suggested that the cities approach should be to replace as they burn out. Grandfathering in was discussed.

Mayor Nina Jonas asked Senior Planner Carl Anderson what the plan was. Carl Anderson advised that as soon as they know what they are looking to achieve they will make the plan. Nina Jonas suggested working thru the transition with the plan.

More research will be done and this will come back to council.

Motion to approve the first reading with modifications to include a grandfather clause, trespassing and flashing lights.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Baird Gourlay, Councilor
SECONDER:	Anne Corrock, Councilor
AYES:	Jonas, David, Corrock, Gourlay, Slanetz

f. PUBLIC HEARING: Discussion to approve Emergency Ordinance 1175 to require a Temporary Use Permit for pumping water into the City Right of Way – City Administrator Suzanne Frick

City Administrator Suzanne Frick explained that Emergency Ordinance 1175 is in anticipation of the rising flood waters.

Mayor asked for public comments. There are none.

Councilor Anne Corrock asked if City Attorney Matt Johnson has reviewed the Ordinance and he confirmed that he had.

Motion to waive the 3 readings for Ordinance 1175.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Baird Gourlay, Councilor
SECONDER:	Anne Corrock, Councilor
AYES:	Jonas, David, Corrock, Gourlay, Slanetz

Motion to adopt Emergency Ordinance 1175 Amending Ketchum City Code Title 8 Adding Chapter 8.11 to prohibit without a permit the discharge of water n the public right of way and installing devices that divert water ad causes damage or an immediate threat to the public health, safety or welfare to

any public or private property and providing a savings and severability clause, and providing and effective date

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Baird Gourlay, Councilor
SECONDER:	Michael David, Councilor
AYES:	Jonas, David, Corrock, Gourlay, Slanetz

- g. **PUBLIC HEARING: Third Reading of Ordinance 1170 for city-initiated text amendments to Title 17 of the Ketchum Municipal Code by amending Chapters 17.96 and 17.88. The amendments establish an administrative approval process for commercial additions under 1200 square feet, accessory structures, and projects located in the floodplain overlay - Planning and Building Director Micah Austin**

Director of Planning and Building Micah Austin advised that there have been no changes since the second reading.

Mayor Nina Jonas asked for public comment. There was none.

Councilor Anne Corrock questioned two different codes bundled into one. Director of Planning and Building Micah Austin explained that P & Z were taking on unnecessary projects and this is how they are aligning them.

Motion to approve the 3rd reading of Ordinance 1170.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael David, Councilor
SECONDER:	Baird Gourlay, Councilor
AYES:	Jonas, David, Corrock, Gourlay, Slanetz

Councilor Michael David read the title in full.

8. EXECUTIVE SESSION

- a. **Discussion of Litigation Under 74-206 (1) (f)**

Motion to go into executive session at 10:15 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael David, Councilor
SECONDER:	Baird Gourlay, Councilor
AYES:	Jonas, David, Corrock, Gourlay, Slanetz

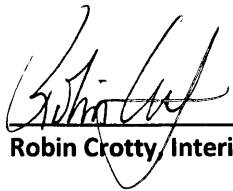
Motion to come out of Executive Session at 10:45 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Slanetz, Council President
SECONDER:	Michael David, Councilor
AYES:	Jonas, David, Corrock, Gourlay, Slanetz


9. ADJOURNMENT

Motion to adjourn at 10:46 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Slanetz, Council President
SECONDER:	Michael David, Councilor
AYES:	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz



Robin Crotty, Interim City Clerk



Nina Jonas, Mayor