



City Council

Regular Meeting

~ Minutes ~

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

Robin Crotty
208-726-3841

Monday, April 3, 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**
2. **Call to Order**
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 March 28, 2017 and has met all posting requirements.

4. **COMMUNICATIONS FROM MAYOR AND COUNCILORS**

Motion to move agenda item 6g from the Consent Agenda to 7a to include with the Argyros presentation.

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

Motion to remove the BSU presentation (7k) from the agenda.

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

- a. **Awards for the Photo Contest – Mayor Nina Jonas**

Mayor Nina Jonas presented the winners of the photo contest with an award certificate. The winners were Dexter Morrison, Natalie Gowe and Sasha Stahoski.

Mayor Nina Jonas talked about Ketchum's Great American Eclipse website and invited everyone to view the website for updates to the event. <https://www.ketchumsunvalleyeclipse2017.com/>.

Councilor Baird Gourlay talked about parking and public comment he is receiving regarding the change to 5 parking spaces that the council approved. Councilor Michael David will address this with the Transportation Authority.

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

Mark Kraz, Founder of Higher Ground talked about parking issues and codes that need to be followed and enforced as well as the fact that handicapped parking is a great concern.

6. CONSENT AGENDA

Mayor Nina Jonas asked for approval of consent calendar.

Councilor Anne Corrock questioned the Thunder Spring Plat and if the bus shelter should be included. Director of Planning & Building Micah Austin explained that it is not on the preliminary plat but it is a condition of approval on the final plat.

- a. Approval of Minutes: Regular Meeting March 20, 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 \$834,211.98 as presented by the Treasurer.
- c. Authorization and approval of the payroll register
- d. Findings of Fact for Kneebone Preliminary Plat
- e. Findings of Fact and Preliminary Plat for Thunder Spring Residences
- f. Exceedance Agreement for Tasz LLC (Angel Wings project) located at 320 N. Leadville Avenue
- g. Exceedance Agreement for Sun Valley Performing Arts Inc. (Argyros Theater project) located at 120 South Main Street

Motion to approve the consent agenda a – f.

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

7. COMMUNICATIONS FROM STAFF AND OTHER ORGANIZATIONS

a. Discussion - Sun Valley Performing Arts Center LLC (Argyros Theater)

Councilor Baird Gourlay disclosed that he had a conversation with Tim Mott regarding a construction mitigation email and that he forwarded the email to all of council and treated it as public comment.

- i. **Text Amendment to Title 17.125, Off Street Parking and Loading, to amend the existing parking requirements for places of assembly—Micah Austin, Planning and Building Director**
- ii. **Request to amend the Fee Resolution (16-008), Section 1, Payment of Community Housing In-Lieu Fees**

Director of Planning & Building Micah Austin talked about amending the parking chapter in the zoning ordinance. He gave an overview of the project and explained the parking issue and talked about the 2 text amendments to do with parking as well as the size of assembly use. He went over the analysis of Amendment 1 and outlined the proposed changes to Amendment 2. He talked about written public comments received. Micah Austin advised that the changes are compliant with the comprehensive plan and staff recommends approval.

Jim Garrison for the applicant advised Mayor and Council that tonight they will be discussing the parking text amendment and the construction action plan. What they would like to leave with tonight is direction. Jim Garrison advised that two discussion items this evening are legal documents and Attorney Ed Lawson will address these topics.

City Attorney Matt Johnson confirmed that some of the questions regarding the construction management plan relate to items currently before Planning & Zoning Commission. If this is an opinion before P & Z there is an appeals process that would need to be followed. They cannot jump forward without following that process.

Ed Lawson Attorney for Argyros addressed the text amendment and Exceedance Agreement. He advised that the project cannot go forward without approval of the text amendment. He explained that it meets the Comprehensive Plan and the one thing that is not addressed is that this will be economic sustainability of the economy. He outlined all the benefits of the project and advised that there is no change of use of this property. The parking issues will not increase because of this project. It's an activity for a non-profit organization that is valuable to the community. The history of this project was explained.

Councilor Baird Gourlay questioned the extra square footage and the intent of the purchase of the lot next door. Director of Planning & Building Micah Austin explained the meaning of the 5500 sq. Feet and the regulation and intent of that.

Attorney Ed Simon talked about the Exceedance Agreement and the position of the performing arts center. Jim Garrison talked about policy changes that are problematic.

Councilor Baird Gourlay questioned when it was decided it had to go back to P & Z. Attorney Matt Johnson explained the process and what has happened up to this point with P & Z. Director of Planning & Building Micah Austin explained the timeline in which the P & Z requested the proposals and explained why P & Z has sent this back. Micah Austin talked about construction activity standards and when they came into effect. He explained the staff issues that have come up regarding the standards. Baird Gourlay asked why this project is being treated differently than the Limelight Hotel. Micah Austin explained how the Limelight project was approved.

Mayor Nina Jonas asked Attorney Matt Johnson to address the P & Z issue. City Attorney Matt Johnson explained that in the past this has been approved at the staff level and this time it is going to the P & Z commission for approval first.

Mayor Nina Jonas asked that staff continue to work thru this and with P & Z to move things forward.

The timeline was discussed among City Administrator Suzanne Frick and Jim Garrison. City Attorney Matt Johnson explained the appeals process and explained how he could get involved to assist with the process. Jim Garrison asked if they could file for a building permit without an approved construction action plan. Director of Planning & Building Micah Austin said they could submit and Planning would review but would not be able to issue a permit until a construction plan is approved.

Mayor Nina Jonas asked about the demolition project. He explained the process in which they will move forward. There was a discussion how they can do some of these processes simultaneously. Mayor Nina Jonas encouraged them to file for the demo permit. Tim Mott advised that they cannot demo the existing building until they have full entitlement of the new building.

Mayor Nina Jonas asked for Public Comment.

Brett Moellenburg voiced support of the project and voiced concerns over the delay.

Michelle Griffith Executive Director of ARCH talked about affordable housing. She is in support of the waiving of the In-Lieu Housing fees and emphasized the reason for ARCH's support.

Jeff Nelson Vice President of Sun Valley Ballet Foundation talked about fund raising in the valley. He is in hopes of the construction not being further delayed and advised that as a business owner in that area he is not concerned about the construction plan.

Dean Nichols on the Board for Sun Valley Center for the Arts talked about how this project can contribute to the downtown area. He is in favor of the project.

Claudia McMann resident, encouraged moving this project thru quickly. The cultural tourist spends more and stays longer. She supports the project for citizen's arts and the economy.

Gary Lipton owner of the Lipton Art Gallery voiced his concern regarding parking. He proposed that the patrons pay a \$2.00 fee per show ticket to go to the City to deal with the future parking structure.

Deborah Boar on the Board for the Arts Center voiced her support of the performing arts and talked about the health of the community. She voiced concern over losing this nonprofit.

Brian Barsotti talked about the applicant asking council to help move this forward. He questioned why P & Z is pushing this back and said he has concerns over this delay.

Alison Higdon local artist has been employed with the Center and talked about her involvement. She is in favor of this project.

Cindy Forgeon owner of the Kentwood Lodge which is the property next door, has concerns about noise and talked about sound proofing. She is excited about the project, however, voiced a series of concerns and how the current theater affects her building and about parking issues in her parking lot and how this affects her guests. She talked about the Leadville entrance and concerns with that.

Mayor Nina Jonas closed public comment.

Mayor Nina Jonas advised that she is a supporter of the project. She advised that Ketchum is in need of an event space and she is in support of the text amendment. She talked about the cost of the parking and advised that the City is working thru the parking issue. She pointed out that a nonprofit does not pay property tax. Mayor Nina Jonas is not in favor of waiving the entire fee for affordable housing. Affordable housing is a threat to the community's welfare. She talked about the FAR Exceedance Agreement and advised that she is a firm supporter of this project but said we must say no to all waivers of Community Housing Fees.

Council President Jim Slanetz talked about making the parking work and talked about what the city is currently working on in regard to parking. He agrees with Mayor Nina Jonas on the housing and would like to stick to the Exceedance agreement that is currently in effect.

Councilor Baird Gourlay agrees that the parking can get worked out, however, he would like to look at the Exceedance Agreement and suggested a discounted rate. He voiced his frustration in the construction plan and would like to direct staff to look at 1st Street. Options for 1st St. was discussed.

Councilor Anne Corrock voiced concern over the entrance and exit of the grocery store. She is in support of staff working thru this.

City Administrator Suzanne Frick talked about the issue of 1st street. She met with one of the owners of the Market last Friday to discuss their concerns regarding construction and their loading dock. They would like to keep 1st street open. One of their concerns is the delivery trucks.

Mayor Nina Jonas is happy to see negotiations going on. City Attorney Matt Johnson explained that the most council could do today is to give staff direction and advised that this should not come back to council unless there is an appeals process.

Councilor Anne Corrock expressed her support of this project. She questioned the cafe portion and how this works into the assembly use. Director of Planning & Building Micah Austin explained. Anne Corrock questioned employee parking. Micah Austin explained what the text amendment would require and went on to explain what they would encourage. Micah Austin explained there is no ADA required with this project and explained the code that pertains to ADA standards. Anne Corrock questioned the mobility portion of the Comprehensive plan and would like to see them work with Mountain Rides. Another of her concerns is the Village Market and being able to keep their business open and moving forward. Anne Corrock questioned City Attorney Matt Johnson about Gary Lipton's suggestion of adding a \$2.00 fee to each ticket that would go to the city. Matt Johnson advised that he will look into this further. She said she cannot support the waiving of In-Lieu Housing fees.

Councilor Michael David said he is in favor of waiving the text amendment and would like one ADA spot created. He is in support of encouraging people to use other modes of transportation to get to the theater. Michael David was encouraged that staff could come up with a solution to the construction activity plan in a short period of time. Regarding the Exceedance Agreement, Michael David is willing to discuss waiver or partial waiver. He voiced concerns that if people aren't living in this town then nobody will be involved in the theater. A reduced fee is possibly worth discussing.

City Attorney Matt Johnson clarified the FAR Exceedance Agreement. There is no waiver option in the agreement. He talked about other approvals or options. A waiver is not covered in the City Code. He gave council their options for this evenings discussion.

Councilor Anne Corrock encouraged staff and Jim Garrison to take into consideration the Kentwood. Staff needs to look at others using their parking. Councilor Baird Gourlay talked about the importance of enforcement. Councilor Michael David talked about what the Transportation Authority is doing to help.

Mayor Nina Jonas summarized that council is in support of the text amendment. There is not a majority support of waiving the housing but a new proposal will come back and construction mitigation plan will go before P & Z April 10th.

Motion to table Exceedence Agreement with the Sun Valley Performing Arts.

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

- b. PUBLIC HEARING: Discussion on Emergency Ordinance 1172 of the City of Ketchum, Finding an Imminent Peril to the Public Health, Safety or Welfare Due to record flood predictions that will impact public health, safety, and welfare; Providing a Savings and Severability Clause; And Providing an Effective Date – Micah Austin, Planning and Building Director**

Director of Planning & Building Micah Austin presented Emergency Ordinance 1172. He outlined what the Emergency Ordinance consists of and about emergency operations for property owners. The ordinance has been noticed and published and there has been no public comment. Staff is recommending conducting the 1st reading. Micah Austin clarified that this does not allow private property owners to do any work at all on the stream bank. The definition of bladders and how they can be used as well as where to pump was discussed. Micah Austin explained the review process. Attorney Matt Johnson has reviewed the Ordinance and does not have any concerns.

Mayor Nina Jonas opened the meeting for public comment.

Natie Shuttleworth citizen questioned where she should be putting her water. Director of Planning & Building Micah Austin explained that if there is not a way to pump without pumping it directly on your property, you are not allowed to pump.

Councilor Michael David expressed his support of waiving 3 readings.

Motion to waive three readings and read by title only.

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

Title was read in full by Baird Gourlay.

Motion to approve and adopt Ordinance 1172.

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

Council Baird Gourlay voiced concern about homeowners who can't pump giving them the ability to pump into the city right of way. He requested a map be presented in the next meeting.

- c. PUBLIC HEARING: Second 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 & Building Micah Austin presented the second reading of Ordinance 1170 and outlined what the changes were.

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

Councilor Anne Corrock asked if this is a cost savings to the applicant? Director of Planning & Building Micah Austin explained that the fees stay the same however there is staff time savings and it saves the applicant time thru the Planning & Zoning process as well.

Motion to approve Ordinance 1172 and read by title only.

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

Council President Jim Slanetz read title in full.

- d. **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**

Mayor Nina Jonas talked about the City becoming an International Dark Spot and the process in which it has gone thru. Director of Planning & Building Micah Austin talked about Ordinance 1171 before council tonight. He gave credit to Senior Planner Carl Anderson for his involvement and research in this project. Micah Austin gave the background of the current ordinance and explained that the proposed changes bore council this evening. He went over the Comprehensive Plan Alignment with this updated Ordinance. Micah Austin went over the six proposed amendments in detail. The proposed Lighting Curfew was presented and discussed, flashing lights were discussed in detail as well as correlated color temperature (Kelvin). Micah Austin went over what was received in public comment.

Mayor Nina Jonas asked for public comment.

Natalie Shuttleworth is pleased with the Ordinance. She talked about what she currently has in lighting and questioned motion lights.

Trish Clair supports Ketchum's leadership on this issue. She is in support of these amendments. She agrees with the 2700 Kelvins and agrees with the research that has been done. She voiced that April 15th is a little too long for holiday lights and gave some other suggestions for that end time frame.

Brett Deer has worked in the lighting industry for many years. He talked about conclusions that have been drawn on blue light. He talked about modern designs and brighter lights and efficiency levels. He talked about research of blue light as well as kelvins and alternatives were discussed.

Avery Shaler thanked council for considering this ordinance. She talked about her support of 2700 Kelvins and the health benefits. She talked about the white light and how they affect wildlife and voiced her support of Ordinance 1171.

Dr. Steven Pauley expressed his appreciation of the Dark Sky Ordinance and gave the history of Ketchum's Ordinance and all the people involved in the creation of the original ordinance. He talked about the quality of life issue as well as a public health issue and gave information about blue lighting and advised Council not to get too involved in Christmas Lights. He advised when retrofitting the street lights, be sure they are 2700 Kelvins.

Eddy a Ketchum resident thanked Director of Planning & Building Micah Austin for his work on this ordinance. From a tourism and human health perspective she said it makes sense.

Ashley Wilson Ketchum resident is very appreciative of Ketchum's Sky and thanked council for their support of this ordinance.

Danny Mazota with the Idaho Conservation League thanked Mayor and Council for their support on this issue as well as our natural resources and the economy. ICL is in full support of this Ordinance.

Councilor Baird Gourlay talked about Brett Deer's comment. He talked about increasing Kelvin being more efficient and about the different Kelvin's throughout the city. Senior Planner Carl Anderson advised that the street department has a retrofit for the existing street lights and will look into the cost. Baird Gourlay talked about other areas that have increased their Kelvin to 4000 and the public being thankful to not walk in the dark. He gave many examples of changing lighting and talked about his support of LED lights. Council President Jim Slanetz questioned the life of a light bulb. Baird Gourlay explained 10 years.

Dr. Steven Pauley advised if you crank the LUMEN's up the light will be brighter. Baird Gourlay advised then they won't be efficient.

Brett Deer talked about homeowners having the ability to choose.

Mayor Nina Jonas questioned the seasonal curfew. Council agreed with the First day of Spring. Council is agreement with dripping lights but not with flashing lights. How to move forward with what Kelvin to use was discussed among Mayor and Council. Councilor Michael David would like to look into the discrepancy between 2700 to 3000. What is involved with changing lights was discussed.

City Administrator Suzanne Frick explained that more analysis and research will need to be done. This will be continued to April 17th, 2017.

Motion to continue to April 17, 2017

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

e. Recommendation to approve ADA Consulting Contract with Northwest ADA Center - Director of Planning & Building Micah Austin

Director of Planning & Building Micah Austin gave the background of accessibility in public buildings and advised that the Department of Building Safety and Northwest ADA was consulted on this. The scope of work and costs were outlined. Term of Contract was talked about. Staff recommends approval of work with Northwest ADA. Attorney Matt Johnson has reviewed the contract in the council packet.

Mayor Nina Jonas advised that this was brought before council during a public comment section of a previous meeting.

Councilor Michael David questioned retro-fitting. Director of Planning & Building Micah Austin explained that staff would be trained. Council President Jim Slanetz questioned the costs. Micah Austin explained that the price outlined is only for plan review. Micah Austin explained that the review of an ADA plan should not take more than an hour to review. To charge for this on an ongoing basis we would need to amend the fee resolution.

Mayor Nina Jonas asked for public comment. There was one.

Councilor Baird Gourlay questioned the purpose of the training if we are hiring out. Director of Planning & Building Micah advised that we could stop the contract if the staff is trained. There was a discussion regarding who on staff would be trained.

Motion to approve the contract for services with Northwest ADA Center.

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

- f. **Recommendation to approve Independent Contractor Agreement with artists for Public Infrastructure Art Projects related to Percent for Art Funding – Director of Parks & Recreation Jen Smith**

Director of Parks and Recreation Jen Smith talked about the contract before them and the project outline in their packet. She showed a power point of art examples.

She is asking for council for approval of the contracts before them. Attorney Matt

Move to approve the Independent Artist Agreements for Healy Thurston, Troy Passey and Ken McCall for public infrastructure art projects.

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

- g. **Recommendation to approve Art in Public Places Agreements for Art on Fourth – Director of Parks & Recreation Jen Smith**

Director of Parks 7 Rec - Jen Smith presented slides and where the art will be displayed.

Motion to approve Art in Public Places Agreements for Art on Fourth 2017 for artists Steve Jensen, Peter Hazel and Gwynn Murrill.

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

- h. **Recommendation to approve contract with the Sun Valley Company for the Wagon Days event – Assistant Administrator Lisa Enourato.**
- i. **Recommendation to approve contract with Sun Valley Events for the Wagon Day's event – Assistant Administrator Lisa Enourato.**
- j. **Recommendation to approve contract with Bobby Tanner for the Wagon Day's event – Assistant Administrator Lisa Enourato.**

Assistant City Administrator Lisa Enourato advised that the three agreements are the same as last year except Sun Valley Events. All agreements have been review by City Attorney Matt Johnson. The contract for Sun Valley Events was changed from what was in the Council Packet. The changes were explained. RV Parking was discussed. Lisa Enourato advised that she will be looking further into this.

Motion to approve the contract for services with Sun Valley Events, Inc, Bobby Tanner and the contract for a lease agreement with the Sun Valley Company.

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

- k. **Recommendation to approve contract with Boise State for Essential Services Facility – City Administrator Suzanne Frick**

The agenda was amended at the beginning of the meeting and this item was removed.

- l. **Recommendation to approve contract for Atkinson Park Recreation Center roof replacement – City Administrator Suzanne Frick**

City Administrator Suzanne Frick advised that this went out to bid and the contract has been reviewed by the City Attorney Matt Johnson and the work can start in a couple of weeks.

Councilor Baird Gourlay questioned the installation of solar panels. Director of Parks & Recreation Jen Smith advised that she has met with the contractor’s and staff’s concerns have been addressed.

Motion to enter into a contract with Associated Construction Services, Inc. dba Scott Miley Roofing for the amount of \$35,708.30.

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

- m. **Disposition of Surplus items, Director of Finance/Internal Services Grant Gager**

Director of Finance and Internal Service Grant Gager advised that the list of items are surplus items that the city no longer has a use for.


Motion to adopt Resolution No. 2017-07 declaring the personal property listed in Exhibit A to the Resolution surplus and authorizing donation or disposal of the property.

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

8. ADJOURNMENT

Motion to adjourn at 9:48 p.m.

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



Nina Jonas, Mayor



Robin Crotty, Interim City Clerk