



# City Council

## Regular Meeting

~ Minutes ~

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

Monday, December 5, 2016

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 Public Works/City Engineer Robyn Mattison  
Director of Parks & Recreation Jen Smith

### 1. CALL TO ORDER

Mayor Nina Jonas called the meeting to order at 5:31 p.m.

Mayor Nina Jonas amended the agenda to add the appointment of a P & Z Commissioner. The reason for the late amendment was due to the fact that she just learned of the interested party.

**Motion to amend the agenda to add the appointment of a P & Z Commissioner.**

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

### 2. COMMUNICATIONS FROM MAYOR AND COUNCILORS

#### a. Communications from Mayor & Council

Mayor introduced Mattie Mead and gave his background. Mr. Mead expressed his gratitude and excitement regarding the appointment.

**Motion to approve the Mayor's appointment of Mattie Mead to the P & Z Commission for a Term of 3 Years.**

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

Mayor Nina Jonas advised that Director of Public Works/City Engineer Robyn Mattison has sent a letter to ITD in regards to the lines in the traffic lane lines on the bridge that Councilor Baird Gourlay requested. Snow poles in the City ROW were discussed along with the steps the Street division has taken as well as their plans for next year. Baird Gourlay thanked staff for their assistance.

Mayor Nina Jonas announced that comments will be taken tomorrow at the American Legion Hall from 5 p.m. to 7 p.m. in regards to the Hemingway and Wilderness Plans.

Mayor Nina Jonas talked about Santa coming to Town on Wednesday at 4:40 p.m. at Town Square and talked about the shops that are staying open late for shopping local.

Councilor Anne Corrock announced that Ketchum is Hosting Colorado Association of Ski Towns January 18<sup>th</sup> and gave a brief background of this organization.

**3. COMMUNICATIONS FROM THE PUBLIC**

**a. Communications from the public. For items not on the agenda.**

David Barroveto - Architect in the Community. Thanked council for supporting the meandering musician program during the Wagon Day's Parade and the Barn Dance at the end of the evening. He talked about the middle of the day plans and suggested going forward, starting the parade at 3pm instead of 1pm and gave reasons why. Mayor will take this under advisement and will be back in touch.

**4. CONSENT CALENDAR**

- a. Approval of Minutes: Regular Meeting November 21, 2016**
- b. Approval of Current Bills and Payroll Summary**
- c. Approval of Alcohol License for the Limelight Hotel**
- d. Resolution 16-020 Establishing 2017 Regular City Council Meeting Dates**
- e. Declaring City Vehicles as Surplus for Auctioning**

Mayor Nina Jonas asked for questions on the consent calendar.

Council Present Jim Slanetz questioned the reimbursement to Planning & Building Director Micah Austin. Micah Austin explained. Jim Slanetz also made spelling corrections to the minutes.

Councilor Michael David questioned the Community Housing Study charges and the delivery date. Director of Planning & Building Micah Austin explained the background and where they are in the process. City Administrator Suzanne Frick explained that this would most likely come back to Council mid-January.

Councilor Anne Corrock questioned if we received our appraisal on this building and it was confirmed that we had.

**Motion to approve the consent Calendar with spelling correction as noted.**

<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, Jim Slanetz, Baird Gourlay

## 5. COMMUNICATIONS FROM STAFF

### a. Recommendation to Approve Ambulance Contract – Fire Chief Mike Elle

Fire Chief Mike Elle explained the contract for services. The Ambulance District asked for a 10 % increase, however, 3% increase over last year was agreed upon. Councilor Anne Corrock questioned if there has been a 3% increase each year. Mike Elle talked about the history of the contract and explained that it was a 3% increase across the board for all departments. Councilor Baird Gourlay asked how this will be handled in the future. Mike Elle talked about what they are doing right now. Paramedic training was discussed.

City Attorney Matt Johnson has reviewed the contract.

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

**Motion to approve the 2016-2017 Emergency Medical Services Agreement.**

<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. PUBLIC HEARING: Warm Springs Development Agreement- Director of Planning & Building Micah Austin

Director of Planning & Building Micah Austin presented. Helios would like to extend all the approvals of this project. There is an extension proposal that is now before council. Micah Austin gave the background and explained that this is the 4th Public Hearing before Council. He went over the procedural history and the extension request of this project.

Staff recommendation is to extend the approval. Staff involved was City Administrator Suzanne Frick, City Attorney Matt Johnson and Planning and Building Director Micah Austin. Staff is recommending a 4-year extension with 3 conditions.

1. A 4-year extension beginning when the Mayor signs the development agreement
2. Right to Additional Extensions at the end of the project (with conditions)
3. Force Majeure Revisions
4. Progress Reports that would need to be presented to the City and what those reports would need to consist of.

Director of Planning & Building Micah Austin asked Council for questions on the 4 conditions that were presented. Councilor Anne Corrock wanted to talk about the additional language that the applicant has added. Micah Austin presented the 2 additional public comments that he has received since the last meeting.

Applicant Attorney Ed Lawson talked about the discussions he has had with the City in regards to the extension and advised that he is here to answer any questions.

Mayor Nina Jonas opened the meeting up for public comment.

R.J Shoy owner of Bullet Security asked that council grant the extension without the clause to keep the property open to the public and explained his reason for this request. Mayor explained that it is not a mandatory part of the extension.

Walt Lumbergh (his name is unclear on the recording) supports the development but not this size. A traffic mitigation study needs to be done.

Jim Rosenfeld resident and property owner on Warm Springs Rd. voiced concerns regarding traffic. He questioned if a baseline study on Water Quality of Warm Springs has been done. Director of Planning & Building Micah Austin is not aware of a study.

Jim Warjohn - 123 Irene Street praised the owners of the development. He is fully in support of the extension.

No further public comment

Councilor Baird Gourlay is in full support but has concerns about the wording in the middle paragraph and asked for clarification on the study. Applicants Attorney Ed Lawson explained that he will be working with City Attorney Matt Johnson on perfecting the language in the agreement. Baird Gourlay explained that his concern is the future council that will need to look at this and explained that this paragraph needs to be more definitive. City Administrator Suzanne Frick explained the importance of these studies and the mitigation studies. Ed Lawson explained that Helios does not want this project to be a burden on city services at any time. Baird Gourlay talked about the stream restoration and the importance to him. Matt Johnson stated that these would be looked at closely.

Councilor Michael David talked about the importance of the mitigation process and will depend on the attorney's working out the wording. Ed Lawson talked about all the studies they have been asked to do and that they will continue to update them as requested.

City Administrator Suzanne Frick explained the background for these baseline study's and the reason for the updates if the project extends past the 4 years.

Councilor Anne Corrock voiced concern about the language regarding a disagreement and how that would play out. She wants the document to read more clearly.

City Attorney Matt Johnson explained that he only has a problem with arbitration language. He suggested that the word arbitration get struck out at this time and he can discuss this further with Ed Lawson when they finalize the agreement. There was a lengthy discussion among the attorney's and council in regards to the arbitration wording.

Councilor Anne Corrock Questioned #3 and the forced majeure revisions. Attorney Matt Johnson explained when that would happen.

Mayor Nina Jonas wanted to know the importance of the Stream restoration. City Administrator Suzanne Frick explained the history and what they are looking for. Councilor Baird Gourlay explained that it is a design, not a study.

Mayor and Council directed staff to continue working with Helios on the wording. Applicant Attorney Ed Lawson explained that he does not want to see these concepts change and if his client does not get the additional 2 years after the binding 4 years, they will need to rethink this project. There was a discussion regarding the wording of arbitration and mediation. City Attorney Matt Johnson explained his view on the arbitration issue.

Councilor Anne Corrock asked Director of Planning & Building Micah Austin the process for approving a development. Micah Austin explained.

Councilor Baird Gourlay agrees with City Attorney Matt Johnson to move the extension forward and to continue to work on this one section.

City Attorney Matt Johnson recommended staff to approve the 4-year extension with additional contingent to, with the 4 conditions as specified in the staff report. Number 1 remains the same with the underlined language included. Numbers 3 and 4 remain the same. Number 2 A sentence under Number 1 remains the same including the underlined language suggested by Helios’s counsel. Sentence Number 2, the first half that is underlined – “the city represents it has no knowledge of any impacts beyond the scope of the existing study mitigated by Helios” – that remains. The next sentence, “if the updated studies identified mitigation which are unnecessary whole or in part, Helios shall be entitled to the benefits of the reduced mitigation” – That sentence is stricken, but the concept is hereby recognized on the record that we recognize updated studies can go both ways, and that will be incorporated into the amended development agreement. The next sentence, if the parties disagree on the impasse or mitigations, they shall promptly meet and confer in good faith compromise and settle if their differences, that remains. The next sentence which is the arbitration provision and specifications on that be deleted at this time and the direction from the Council to staff is to work with counsel for Helios on language to incorporate in the Development Agreement and to look for an efficient way to try and reduce cost and time in dealing with any final dispute that were to arise.

Councilor Michael David - so moved and to include the language that may include some form of arbitration.

<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

**c. Approval of Fiscal Year 15-16 Audit—Director of Finance & Internal Services Grant Gager**

Director of Finance & Internal Services Grant Gager introduced Dennis Brown, CPA

Dennis Brown, CPA issued a clean opinion and advised that the City is in a good financial position. He asked Mayor and Council for any questions they may have. Council President Jim Slanetz question Table 7 page 9. Dennis Brown explained. Councilor Baird Gourlay questioned how many years he has been doing to audit. Dennis Brown, CPA confirmed that it has been 42 years with a few years’ hiatus in the middle. Baird Gourlay questioned the funds for the new City Hall. Dennis Brown explained Capital Improvement Funds. Councilor Anne Corrock had a question on the Bonds. Dennis Brown explained the history of the Bonds.

Mayor Nina Jonas asked for public comment. There was none

**Motion to approve the fiscal year 2015/2016 Audit.**

<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

**d. Recommendation to approve artist agreement for Cover Art project design with Rachel Teannalach – Director of Parks & Recreation Jen Smith**

Director of Parks & Recreation Jen Smith presented the artist agreement and explained the details of the contract. The colors were discussed. The funds would be taken from the KEAC trust fund. Councilor Michael David talked about his support of the design.

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

City Attorney Matt Johnson has reviewed the contract.

**Motion to approve the contract with Rachel Teannalach.**

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

**e. Recommendation to Approve Blaine County Housing Authority Contract—City Administrator Suzanne Frick**

Administrator Suzanne Frick talked about the scope of work and is recommending approval.

The scope of the project was not in the packet (Attachment A) Suzanne Frick distributed the missing attachment. City Administrator Suzanne Frick outlined the Key elements that are different from last year's scope and explained that she met with the board twice and this is the scope that they approved.

Councilor Anne Corrock questioned the Mitigation of homeowner's fees as well as the sale of a unit and when the City would be notified. Suzanne Frick explained how this works with a change of the deed restrictions and that this is between the land owner and BCHA.

Mayor Nina Jonas asked for public comment. There was none

**Motion to approve to enter into a contract for services with Blaine County Housing Authority.**

<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

**f. Community Input and Council Discussion and Direction to Staff on Mobile Food Truck Vending in Ketchum – Director of Planning & Building Micah Austin**

Mayor Nina Jonas recused herself. Councilor Michael David ran the meeting.

Director of Planning & Building Micah Austin presented the background of the Off-Site Vendors Ordinance and displayed a power point that outlined the cities current procedure and permitted zones and fees. Micah Austin talked about what is being proposed as changes to Mobile Food Truck Vending and recommended to consider public comments, discuss possible changes and to get direction for staff in how to proceed.

Councilor Michael David opened the meeting for public comment.

Jill Rubin - owner of Red Hots in Ketchum questioned who came up with this. She voiced her concerns with this change and said that she is opposed to multiple vendors in one location unless it's a special event.

George Kirk presented the background of this request and the history of what was discovered during the research process at the City. He requested that council direct staff to come up with some type of Ordinance that allows for more than one vendor per lot.

Roger Roland - Cellar PUB expressed his support of the current Ordinance and said that it has worked fine the way it is since the 1980's. He is in support of vendors but not a food court. Possibly one food per site, one retail, one rental.

Kelly Haven with the Haven Food Truck advised that she has used this site 3 times in the past. She is very much part of the community now and is in support of Mr. Roland's suggestion. She talked about multiple vendors in one spot struggling to make it. She does not think we have a community to support a food POD.

Joshua Charles - Hoping to open a new vendor truck and is in support of multiple food vendors on one site to give more options to eat after 10 or 11 p.m. in the evening.

Jill Rubin spoke saying that she has been doing this for 29 years. The law was created to limit the type of vending. (Pottery/painting etc.) She voiced her concerns about having to look over her shoulder.

Joshua Charles talked about the variety of food that he would like to offer.

Councilor Michael David asked Director of Planning & Building Micah Austin to address the concerns that were just heard and there was a conversation among council, the public and staff. Micah Austin advised that the current ordinance was put in place in 1994. The latest revision was in 2008..

Councilor Michael David closed public comment.

Councilor Anne Corrock questioned if it is limited to food. Director of Planning & Building Micah Austin advised that it is not. Councilor Anne Corrock thinks we should define the definition of "Site". Administrator Suzanne Frick explained that if it is a legal Lot it is a Site. Anne Corrock questioned if sites could be divided into smaller sites. Micah Austin said they would have to legally have the Lot subdivided.

Brainstorming was done among council and staff. City Attorney Matt Johnson weighed in on this topic and advised that more research should be done.

Council President Jim Slanetz talked about a commercial kitchen and what is required. City Administrator Suzanne Frick explained that health department regulations is what is required for the vending carts.

Councilor Michael David asked if Council should be directing staff to come up with a draft ordinance. Councilor Anne Corrock said the ordinance works as it is now although it would be nice to have late night vending.

Councilor Baird Gourlay thought we should define better language. If more than one vendor is allowed on a site it becomes an equal playing field and bathrooms should have to be provided. He is willing to pursue it because a lot of people are interested in moving forward with it. He would like to see an Ordinance that addresses the concerns that have been talked about this evening. He does not think the current Ordinance is working.

Council President Jim Slanetz questioned how much more we need. He agrees with Councilor Baird Gourlay on the restroom topic. Councilor Michael David talked about the need for vending late at night. He is in favor of having the staff look at this

Administrator Suzanne Frick clarified that staff would need to come up with criteria to have multiple vendors, restroom facilities, design review, landscaping, seats, shade, etc... to look at a new Ordinance.

**g. Discussion of City Prioritization of Underground Projects—City Administrator Suzanne Frick**

City Administrator Suzanne Frick outlined the history of the under-grounding projects. She talked about the KURA suggesting a possible LID and questioned if the City wants to be involved. Suzanne Frick outlined the current city process and discussed proposed undergrounding funding.

Council President Jim Slanetz talked about the City taking a leadership role on the LID and the pros and cons of the LID. There was brain storming done between Mayor and Council. Councilor Anne Corrock said this needs to be generated from the neighbor side, not the Council side. Councilor Baird Gourlay said the LID is the only way to go. Council needs to understand completely how an LID works. If an applicant comes before them they are bound to move forward with it.

Councilor Michael David asked City Attorney Matt Johnson for clarification as to how this works with the City owning a LOT in the proposed LID area. More brain storming was done.

Councilor Baird Gourlay said he does not see any other way to do this. This will be discussed again January 14th at the KURA meeting. Baird Gourlay is in support of the LID and will be talking to the board about moving forward with this. The process on how to move forward was discussed.

City Administrator Suzanne Frick said that no application has been filed at this time.

Mayor Nina Jonas opened the meeting to public comment.

Harry Griffith explained that the community would file an application. 1st to 4th is the most relevant and best section to start with. The private sector would like to participate with this. The issue is should the private sector initiate this.

Dick Fosbury has done about 4 or 5 LID's for the City. They are not complicated but delineated by state code.

No other public comment.

Council President Jim Slanetz asked Dick Fosbury for a template or a standard for the City that we could follow. Dick Fosbury talked about what is in Idaho Code. Councilor Baird Gourlay suggested that we wait until after the URA meeting next week to find out if the board is willing to make the initial step.

**6. EXECUTIVE SESSION to discuss:**

- a. **Litigation pursuant to Idaho Code §74-206 1(f).**
- b. **Personnel discussion pursuant to Idaho Code §74-206 1(b).**

**Motion to go into executive session at 8:56 p.m.**



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

Motion to come out of Executive Session at 9:10 p.m.

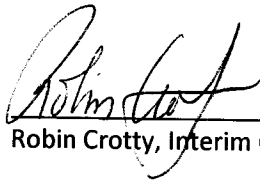
**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Michael David, Councilor  
**SECONDER:** Baird Gourlay, Councilor  
**AYES:** Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

7. ADJOURNMENT.

Motion to adjourn at 9:11 p.m.

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

  
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Nina Jonas, Mayor

  
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Robin Crotty, Interim City Clerk