



City Council

Regular Meeting

~ Minutes ~

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

Monday, August 15, 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 Jill Holinka
Director of Public Works/City Engineer Robyn Mattison
Director of Planning & Building Micah Austin
Street Superintendent, Brian Christiansen

1. CALL TO ORDER

Mayor Nina Jonas called the meeting to order at 5:30 p.m.

2. COMMUNICATIONS FROM MAYOR AND COUNCILORS

a. Communications from Mayor & Council

Council President Jim Slanetz questioned if the posting of taxi fares rates in the taxi cabs is enforced by the police department. Police Chief Dave Kassner will work with the police officers on this.

Mayor Nina Jonas Introduced Intern Genevieve Pearthree and explained what she will be working on during her stay with the City of Ketchum.

Mayor Nina Jonas announced we are in stage I Fire and explained what that means and where the area pertains to.

Mayor Nina Jonas reminded the public that there will be a workshop Thursday regarding the redundant line at the Community Library from 1:00 to 3:00 p.m.

2. COMMUNICATIONS FROM THE PUBLIC

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

David Barroveto resident of the Wood River community since 1970 talked about Wagon Days. Mr. Barroveto talked about paying the meandering musicians and what that entails and the issue at hand. He offered suggestions on how to address this issue and asked council for their support. Councilor Michael David said he is unsure of what can be done now. Administrator Suzanne Frick explained the budgeting issues in the past and what the committee has agreed to this year. Suzanne Frick explained the process of the meandering musicians and that they are limited to the 8 businesses that have supported this and that \$3,000 is budgeted. If more is needed more funds will need to be added to the budget. Councilor Anne Corrock voiced her support of the meandering musicians. Council President Jim Slanetz talked about the music in Town Square and the possibility of cutting back on the roving

musicians, therefore having more funds available for other uses. Suzanne Frick suggested that staff will try to work within the budget and have these musicians throughout the community.

Gary Lipton city resident talked about the Bracken Gas Station. Gary Lipton voiced his concern and told Council to view previous Planning & Zoning meetings to get refreshed. City Attorney Jill Holinka advised council not to look at previous meeting until an appeal is brought before them.

Larissa Dehaas talked about the reoccurring parking issue that keeps coming up. She feels it is a pedestrian issue, not a parking issue and suggested a roundabout instead of stop signs or yield signs. Mayor Nina Jonas asked Councilor Michael David if the traffic authority has talked about this. Michael David said he will bring up that intersection at the next meeting. Nina Jonas talked about an onsite parking analysis. Next parking workshop will be August 26th.

b. Request from Aspen Skiing Company for approval to proceed with a liquor license application for 151 South Main (Limelight Hotel) pursuant to Idaho Code §230903(12), represented by Attorney Jim Laski

Attorney Jim Laski for Aspen Ski Company explained the Liquor License situation and is asking Council for their approval. No questions from council. Jim Laski requested a letter to the state for their approval.

Motion to authorize the Mayor to sign the letter of issuance of a liquor license pursuant to I.D. §23-903 (12) for the Aspen Ski Company d/b/a the Limelight Hotel, Ketchum and to confirm the same in writing for submittal with license application.

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

c. Steve Kearns (Kneebone project) requests to install a public tree in a city sidewalk on Washington Avenue

Applicant Steve Kearns one of the owners of Kneebone LLC came before council to request to plant a tree on Washington Ave. He outlined where the tree would be planted and the benefits of the tree. He showed the site plan. He talked about staff having concerns regarding the location of the tree and explained that the tree would be the city's tree and they could always remove the tree if they decide to do that at a later date.

Director of Planning & Building Micah Austin and Public Works Director/City Engineer Robyn Mattison gave background of the approval process of the Kneebone project. Micah Austin talked about Public Improvements that are being paid for by the applicant. The Site Plan was shown and outlined by Robyn Mattison. She explained problems that might occur due to the tree's placement. She talked about other trees in the public right of ways that have become obstructions. Robyn Mattison explained the 4 options that were given to Kneebone. City Administrator Suzanne Frick talked about ADA Access and opening the city up to legal issues. Mayor Nina Jonas asked council for questions. Councilor Michael David asked why P & Z did not address this. Micah Austin explained that Right of Way access is administrative. Councilor Anne Corrock asked about the grates and guards around the tree. Council President Jim Slanetz explained that if the tree didn't work out and was removed at a later date it would be the city's responsibility to repair the sidewalk. Councilor Baird Gourlay suggested an easement that runs with the property. Steve Kearns likes Baird Gourlay's solution. He is willing to write a letter and record it as a short term easement. There was discussion as to an easement versus a letter. Michael David is willing to

go with a compromise. It was decided that Steve Kearns would work with Robyn Mattison on the easement.

4. CONSENT CALENDAR

- a. Approval of Minutes: Regular Meeting August 1, 2016
- b. Approval of Current Bills and Payroll Summary
- c. Approval of Alcohol License

Motion to approve the consent calendar

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

5. COMMUNICATIONS FROM STAFF

- a. **Ordinance No. 1159 Adopting the FY2016-17 Budget (Second Reading) – Finance Director Sandy Cady**
City Administrator Suzanne Frick spoke for Sandy Cady. She explained the changes that were discussed in the last meeting.

Mayor Nina Jonas opened the meeting for public comment. No comments.

Mayor asked for Council comments. No Comments

Motion to approve second reading of the Annual Appropriation Ordinance No. 1159, on Ordinance of the City of Ketchum, Idaho, Entitled the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2016, appropriating to the various budgetary funds, sums of money deemed necessary to defray all necessary expenses and liabilities within each fund for the ensuing fiscal year authorizing a levy of a sufficient tax upon the taxable property and specifying the objects and purposes for which said appropriation is made, and providing an effective date.

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

- b. **Refunding of the 2006B Water Revenue Refunding Bonds and adopting Ordinance No. 1160-Water Revenue Refunding bond, Series 2016 – Christian Anderson, Zions Bank**

Christian Anderson representative for Zion's Bank presented Municipal Bond Interest Rates to Mayor & Council. He did a recap of the refunding details and gave a summary of the bid results. He talked about JP Morgan's bid on the cities Bond and his recommendation. Council President Jim Slanetz questioned option 2. Christian Anderson explained and then talked about the process and the timeline. He explained what will change from the current procedure and the savings was discussed. Councilor Michael David talked about keeping it local and possibly not saving as much.

Mayor asked for comments from the public. There was none.

Councilor Anne Corrock was appreciative of the explanation and recommendation. Council President was in agreement. Both agreed we have to go with best offer. Councilor Baird Gourlay was also in agreement.

1st motion

Pursuant to Idaho Code 50-902, I mote to waive three readings of Ordinance 1160, and 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

2nd motion

Motion to adopt Ordinance of the City of Ketchum, Idaho authorizing and providing for the issuance of a water revenue refunding bond, series 2016, in a principal amount not to exceed \$1,865,000 for the purpose of refunding the cities outstanding water revenue refunding bond, series 2006B, providing for the collection and application of water revenues to pay the principal of and interest on the bond; establishing funds; providing for the payment of the bon; providing covenants relating to the bond and the tax-exempt status of the interest on the bond; delegating the approval of a loan agreement; providing for related matters; approving a summary of this ordinance for publication; and providing an effective date. (Roll Call Vote)

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

c. Trail Fund Creek, LLC

- i. Request to amend Resolution 16-008, Fee Resolution, to allow for paying fees in-lieu of housing at Certificate of Occupancy and requiring a security bond for the fees when the building permit is picked up.**
- ii. Update on status of building permit for Trail Creek Fund LLC**

Director of Planning & Building Micah Austin talked about the request from Jack Barriteau and the resolution as it currently reads. Micah Austin outlined all the fees. The request is instead of paying the in lieu housing fee they would submit a security bond. Micah Austin explained that we routinely accept bonds. He does not remember a time when the city had to cash a bond. Staff does not have a concern about a security bond and is asking for council approval and gave suggestions as to how we receive that bond and that counsel review. He gave suggested language. Council President Jim Slanetz questioned if this has been done in the past. Micah Austin had no recollection of this being done before.

Mayor Nina Jonas asked for public comment.

Jack Barriteau Trail Creek Fund LLC thanked Mayor and Council for their consideration. He explained what they are trying to accomplish and talked about interest rates and gave the history of what was required during the building permit process. He talked about the errors and omissions and liability issues that exist due to the building permit being issued without certifying an important document. He

explained that he is not looking for a waiver of fees and talked about public comment that came before council today.

Mayor Nina Jonas asked Council for questions. Mayor Nina Jonas asked for clarification and Director of Planning & Building Micah Austin explained.

David Caldwell talked about his assistance in securing this loan for Jack Barriteau, the high interest rate and the success he believes this property will have.

Attorney Ed Simon spoke on behalf of Vicky Graves. He talked about performance and events that took place over the past number of years. He advised council to ask applicant to provide verification that the funding is available for this project to be completed. He urged council not to consider bonding. He advised to verify funding for this project and then consider bonding.

Sun Valley Economic Development Director Harry Griffith spoke on behalf of the applicant and explained that this hotel will provide approx. 120 more jobs in the Valley and all the positives that surround this project. He encouraged council to support this request.

Tim Egan Ketchum Business Owner talked about the discussion tonight regarding character and talked about his support of Jack Barriteau's project and said his word is his bond.

Ed Simon said the City has the right to see the financial support to be sure it is secure before voting on the bond.

Director of Planning & Building Micah Austin explained the Soil Analysis and why that was required. City Administrator Suzanne Frick talked about why a soil analysis was required and explained that Robyn Mattison is working with Paul Conrad to get this area corrected. Councilor Anne Corrock questioned the timing of the analysis and wanted clarification that it was not the city holding this up, it was the applicant. The city did not know the applicant was going to use Soil Nails.

Director of Planning & Building Micah Austin explained the timeline. The permit was issued on July 6th. He explained the importance of this date and IBC requirements. He went over exactly what will need to be completed by January 2016 to be in compliance with Idaho Building Code. January 6, 2019 is the expiration date of the project. There is a 3-page timeline in the packet. It shows all the major points. Micah Austin asked council for questions. Councilor Anne Corrock had questions on the bond process. Micah Austin outlined how bonds have worked in the past and how this particular bond would work. City Administrator Suzanne Frick gave more detail on when those funds could be used. She explained when we could start to access the In-Lieu funds and explained that this is a council policy call. Anne Corrock questioned if the city's fee schedule includes staff time for all these amendments. Suzanne Frick explained that this could be included in the fee resolution in the future.

Councilor Anne Corrock questioned what happens between 2016 and 2019. Director of Planning & Building Micah Austin explained that the project needs an inspection every 180 days. Council President Jim Slanetz questioned when the bond could be called. Micah Austin explained that this is up to council. Anne Corrock asked how Attorney Jill Holinka feels about this. Jill Holinka explained that it all depends on how the bond is structured. She thinks it is something that is doable for the City. Anne Corrock voiced concerns about all the changes. There was a discussion on how the bond could work and Jill Holinka explained that the stronger the security the less risk there is.

Council President Jim Slanetz voiced more of a concern for housing than for jobs and suggested having the bond go until Mr. Barriteau breaks ground. There was a discussion about amending the Resolution. Jill Holinka made suggestions on where we would include language in the resolution. City Administrator

Suzanne Frick explained that staff would need direction from council and would re-craft the resolution and bring it back to council at the next meeting. Councilor Anne Corrock is still concerned about making exceptions. Jim Slanetz explained that changing the resolution will open up flexibility. Councilor Baird Gourlay asked how the In-Lieu fees were treated at Thunder Springs. Micah Austin explained the process for Thunder Springs and where they are in the process. Baird Gourlay simplified the question saying we already have a process in place and spoke in favor of the performance bond

Mayor Nina Jonas asked applicant Jack Barriteau to respond. Mr. Barriteau explained that no square footage will be changed during construction. 6th and 1st is the site for employee housing. He talked about when they will be breaking ground. It will be ready to open 6 months after the hotel opens. Housing will be part of 18 employees housing package. Council President Jim Slanetz asked if we could get the bond at the ground breaking of the hotel. Jack Barriteau explained that he will need to go back to his lender and does not think it will be possible. Jack Barriteau gave an explanation of how the funding is working. Councilor Anne Corrock questioned pre-sales. Jack Barriteau said they have no pre-sales.

Councilor Anne Corrock questioned Director of Planning & Building Micah Austin regarding the two different zones. She wanted to know if there were different requirements. Micah Austin explained that each PUD is unique.

Mayor Nina Jonas asked if council would like to amend the resolution or not. Councilor Anne Corrock and Council President Jim Slanetz said no. Jim Slanetz said he needed more information on the bonding issue. Councilor's Michael David and Baird Gourlay are in favor of moving forward. There was a discussion regarding successful bonds in the past. It was agreed by council if we make a change it has to be across the board not just for this applicant. City Attorney Jill Holinka will have something by the next meeting. There was a lengthy discussion and debate on how to move forward. This will come back to council on September 6th for reconsideration.

Councilor Anne Corrock voiced concerns about the current hole in the ground and the green fence. Director of Planning & Building Micah Austin said the silt fencing is required as long as the hole is open. The demolition permit is still in effect until the building permit is picked up. City Administrator Suzanne Frick suggested talking with the applicant and working on the appearance of the construction site.

It was decided that prior to this decision coming back to council, the only way the permit could be picked up was if 100% of the fees were paid.

d. Discussion of Red Zone Construction Restriction Policy and Micro Trenching Technology – Public Works Director/City Engineer Robyn Mattison

Director of Public Works/City Engineer Robyn Mattison gave the history and talked about Ordinance No. 1036 and Resolution No. 08-036 that talks about the Red Zone that was approved on May 14, 2008. She showed the map that outlines the Red Zone and pointed out the location of KIC. July 1 - Sept. 15th are the red zone restriction dates. This means they cannot work in the public right of way during those dates. Robyn Mattison described what Micro Trenching is and showed a video explaining that the city encourages Micro Trenching. She suggested we could require Micro Trenching as option (a) then boring then trenching only if the micro trenching does not work. Councilor Baird Gourlay suggested no red zone for micro trenching.

Mayor Nina Jonas asked for public comment.

Cox Communications representative John Lewis said they do not use micro trenching. It is not cost effective because of damage that could occur to fiber etc. underground. He is in favor of the red zone.

Mayor Nina Jonas agrees with Councilor Baird Gourlay to add Micro Trenching in as an incentive in the Red Zone. City Administrator Suzanne Frick talked about possible requirements. Robyn Mattison was directed to work on a policy and bring it back to council for approval.

e. Recommendation to Approve Collective Bargaining Agreement with International Association of Firefighters Local 4758 and the City of Ketchum— City Administrator Suzanne Frick

City Administrator Suzanne Frick explained the negotiations process and gave thanks to Fire Chief Mike Elle and the Firefighters. She is asking the council approve to authorize the Mayor to sign the Collective Bargaining Agreement with International Association of Firefighters Local 5869 and the City of Ketchum. Fire Chief Mike Elle applauded the full time firemen saying they are the best in the West.

Councilor Baird Gourlay gave City Administrator Suzanne Frick credit for keeping a very level head during complicated negotiations and complimented Fire Chief Mike Elle for his efforts. Council President Jim Slanetz asked if we could make the process easier next year. Suzanne Frick explained what they learned this year and said next year's negotiations will be easier.

Motion to approve the Collective Bargaining Agreement between the IAFF Local 4758 and the City of Ketchum and authorize the Mayor to sign the document.

Nina also thanked staff and attorneys for their effort.

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

f. Approval of Ordinance 1161 Repeal of Initiative and Referendum Procedures – Interim City Clerk Robin Crotty

Interim City Clerk Robin Crotty requested approval of Ordinance 1161 which will repeal the City of Ketchum's Initiative and Referendum Procedures. In July of 2015 the referendum petitions were adopted by the Idaho legislature during the 2015 Legislative session.

1st Motion

Motion Pursuant to Idaho Code 50-902 to waive the three readings of Ordinance No. 1160, and read by title only.

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

2nd Motion

Motion to approve and authorize the Mayor to sign Ordinance No. 1161 repealing Chapter 1, Title 16; section 010 of the Ketchum City Code relating to initiative referendum procedure; providing a severability clause; providing a repealer clause; providing for codification; Authorizing publication by summary; and providing an effective date.

Roll Call

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

g. Approval of contract from the Sun Valley Company for use of the Horseman Center for Wagon Days – Assistant City Administrator Lisa Enourato

Assistant City Administrator Lisa Enourato explained that this comes before council every year for \$1.00.

Motion to approve entering into a Lease Agreement the Sun Valley Company to lease the River Run Upper Parking Lot and the west side of Sun Valley Road from September 1, 2016 to September 5, 2016.

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

6. EXECUTIVE SESSION to discuss:

- a. Hiring Pursuant to Idaho Code §74-206 (a)**
- b. Litigation pursuant to Idaho Code §74-206 (f)**

Motion to go into Executive Session at 8:55 p.m.

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

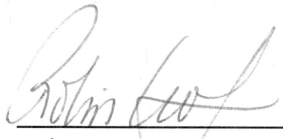
Motion to come out of Executive Session at 10:15 p.m.

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 10:16pm

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



Robin Crotty
Interim City Clerk



Nina Jonas
Mayor