



# City Council

## Regular Meeting

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

Monday, March 2, 2015

5:30 PM

Ketchum City Hall

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

**Also Present:** Ketchum City Administrator Suzanne Frick  
Ketchum City Attorney Stephanie Bonney  
Director of Planning and Building Micah Austin  
Public Works Director/City Engineer Robyn Mattison  
Ketchum City Treasurer/Clerk Sandra Cady

**1. CALL TO ORDER**

Mayor Nina Jonas called the meeting to order at 6:02 p.m.

**2. CONSENT CALENDAR**

- a. Approval of Minutes: February 2, 2015
- b. Approval of Current Bills and Payroll Summary.
- c. Landscaping Security Agreement for 411 East Sixth Street, LLC.
- d. Voluntary Sales and Use Tax Agreement with Younique LLC.

*Motion to approve the consent calendar.*

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

**3. COMMUNICATIONS FROM MAYOR AND COUNCILORS.**

**a. Communications from Mayor & Council**

Councilor Anne Corrock commented that it may be nice to have a bookmark handout regarding idling ordinance, smoking ordinance, dark sky ordinance, etc. Mayor Nina commented that there have been discussions of doing envelope cards. Councilor Anne Corrock clarified it would be something to help educate people.

Council President Michael David commented on the Sun Valley Film Festival coming up and the Family of Women Film Festival that took place, and encouraged everyone to support them. The Gallery Walk is on the 13th.

Councilor Baird Gourlay advised everyone that the US Ski Team Nationals are coming to the Valley in 2016 and 2018. Spring Series is coming this April and he has been asked to sit on a subcommittee to help promote and brand and to be sure the kids have a great time while they're here. There is an event request that just came in today for an awards ceremony in town square the night of April 2nd that he is requesting the council waive the fees for.

#### 4. COMMUNICATIONS FROM THE PUBLIC.

##### a. Update on the Big Wood River Bridge Project – Mike Pepper, KMP Planning.

Steve Hunter, Project Manager for the Bigwood River Bridge Project, updated the Council on the Environmental Impact Statement. It was approved and ratified in 2008, small changes can be made, but they must follow good engineering and sound judgement. They have finished the design, the speed limit will go down to 35 mph, following construction they will do a speed study and set the limit accordingly. The EIS specifically says they will not allow any irrigation within the ITD right of way. Based on the EIS they have written a letter to Lane Ranch that the portion they irrigate in the right-of-way will no longer be allowed. Another commitment that was made in the EIS was for a species of plants that will be planted back. They are trying to discourage wildlife from being up near the roadway. They will plant species that the deer and elk do not like. They are hoping to have final design plans in April and an open house in May.

Councilor Baird Gourlay asked about the timeline. Steve Hunter said final design is expected in April, it will be presented at the open house in May. By September 30 they will have all formal documents completed and ready to go to bid. They are planning to remove some of the trees in September, The stumps won't be removed, but will be cut down for nest habitats.

Councilor Anne Corrock clarified that actual construction would begin in January of 2016.

Mike Pepper, KMP Planning, commented on the aesthetics on the bridge. It is budget contingent. Steve Hunter commented that they are hoping to meet with the art committee this month. ITD has indicated they will spend no money on the aesthetics. Hopefully they can come up with something creative that could be used for other projects as well.

Mayor Nina Jonas encouraged ITD to continue working with the Arts Commission.

#### 5. ORDINANCES AND RESOLUTIONS.

##### a. Ordinance Number 1129: Water Revenue Bond for Water Improvement Project - Robyn Mattison, Public Works Director/City Engineer.

Robyn Mattison, Public Works Director/City Engineer, introduced Ordinance 1129. The Ketchum Springs Water System is an older private system that the city acquired in the 1980's. The public works department is in the process of abandoning that system, it will be beneficial to move onto a newer system for many reasons. Currently there is a rebate program that is offered for people who move off that system and move over to the newer municipal line. There is an opportunity to get a state refunding loan from the State Department of Environmental Quality for this project. Part of the project is installing water meters, and that will be funded through this loan. It is a twenty year loan, at 2.75% interest rate. Ketchum is not eligible for principal forgiveness. The loan terms require an update to the master plan,

and environmental assessment on the proposed project which will also be included in the loan. Any of the work on private property is not included in the loan. The work on private property will need to be funded by the property owner. Staff is recommending that either the property owner pay a 100% at the time, or have the option of it be funded through a local improvement district. Benefits of the project include a savings of \$23,000 from repairing the system, reducing system loss and less pumping requirements. The city will need to obtain debt approval through a bond election to receive the loan.

Councilor Anne Corrock asked if the rebate program will go away. Robyn Mattison's suggestion is to repeal that resolution.

Stephanie Bonney, City Attorney, clarified that it is a revenue bond, so only the users of the water system would pay towards this.

Councilor Anne Corrock asked if there will be a different amount for each person. Robyn Mattison clarified that they would determine that when they start setting up the LID.

Stephanie Bonney clarified that if approved by the voters it gives the council the authority to enter into a loan.

***Motion to approve the first reading of Ordinance 1129 providing for the acquisition and construction of improvements to the domestic water system facilities of the city of Ketchum, Idaho; calling for a special election for the submission to the qualified electors of the city the question of incurring an indebtedness and issuing the revenue bonds of the city in a principal amount not to exceed \$449,000 to pay the cost thereof; establishing the date and time of election; approving a form of ballot and providing for notice of the special bond election; providing for registration of voters; providing for related matters and providing an effective date.***

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

**b. Ordinance Number 1130: Amending the Municipal Code – Micah Austin, Planning & Building Director.**

Micah Austin, Planning and Building Director introduced Ordinance 1130 which will re-create the planning commission back into the code. They were removed from the code last year, this is putting it back in and provides the correct references to the state code.

Councilor Anne Corrock asked about how the term "residency" is defined.

Stephanie Bonney, City Attorney, said residency is defined through state statute and case law. The number one thing you look at is if someone claims a homeowner exemption, it cannot be strictly defined through the code. They can define "residency" as someone who resides in city limits.

Micah Austin clarified that the council can vet a commissioner as they see fit.

***Motion to waive all 3 readings of Ordinance of 1130.***

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

***Motion to adopt Ordinance Number 1130, amending Ketchum Municipal Code by adding Chapter 12, Planning and Zoning Commission to Title 4, Commissions and Boards, including definitions, creating a Planning and Zoning Commission, establishing number of members to be appointed, establishing term of office, and requiring compliance with 67-6504; providing a savings and severability clause; providing for repeal of conflicting ordinances; providing for codification; providing for publication; and, providing an effective date.***

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

**c. Resolution 15-009: Amendment to the Planning and Zoning Commission By-Laws – Micah Austin, Planning & Building Director.**

Micah Austin, Planning and Building Director, went over the proposed bylaws.

Suzanne Frick, City Administrator commented that the ordinance and this resolution do not currently require residency of planning commissioners.

Micah Austin clarified that state code requires three commissioners be residents and two commissioners can be outside the city but inside the area of impact.

Suzanne Frick suggested the residency be made clear in the bylaws.

***Motion to adopt Resolution 15-009 amending by-laws for the Ketchum Planning and Zoning Commission with the change on page two to add the wordage from the state code on the three commission members residing in the city limits and two being in the area of impact.***

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

**6. COMMUNICATIONS FROM STAFF.**

**a. Letter to Idaho Public Utility Commission Regarding Solar – Rebecca Bundy, Senior Planner.**

Micah Austin, Planning and Building Director, presented the proposed letter to the Council. Idaho Power proposed to adjust its arrangements it has with people who generate power themselves. In the past it has been a twenty year contract, according to the PURPA requirements, they are proposing changing it to a two year contract. It makes it difficult for small generators to make it pencil out. The letter is the recommended letter the city would send to the Idaho Public Utilities Commission to be signed by Mayor Jonas, and outlines the city's position on this particular item.

Karen McCaw, Ketchum resident, commented on the history of PURPA, Idaho Power, independent clean energy and solar resources.

Suzanne Frick, City Administrator, commented that the Ketchum Energy Advisory Committee has been working on this diligently and encouraged the council support the letter.

The council expressed their support of the letter.

***Motion to authorize the Mayor to sign the City of Ketchum position letter.***

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

**b. Ore Wagon Museum Solar Photovoltaic System Contract Award – Rebecca Bundy, Senior Planner.**

Micah Austin, Planning and Building Director, presented the project. This is a 20KW solar system on the Ore Wagon Museum. It is lease operated by Sagebrush Solar. Staff is recommending council approve the contract with Sagebrush Solar.

Suzanne Frick, City Administrator, added that there is an educational component to inform the public to broaden the awareness of solar.

Billy Mann, Sagebrush Solar, commented that when they originally looked into buying a system, they realized that without the federal tax credits, the city would be in the hole at the end of the project. They determined a lease would bring the federal incentives into play, and they could share those incentives with the City. Instead of losing \$13,000 the city will save about \$6,000.

Councilor Baird Gourlay asked about the lease contract for long term, clarifying the Council could not bind a future council.

Stephanie Bonney, City Attorney, clarified that the contract must have a non-appropriation clause. Billy Mann commented there would be a buyout clause. Stephanie Bonney said that would be problematic. Stephanie Bonney suggested making enough of a down payment in the first year to give the investors comfort that if it was terminated they would not be out any money. Billy Mann commented that they could work through these issues when they do the lease.

Suzanne Frick clarified that they are asking for the authorizing to sit down and negotiate. If there are any big issues they will return to the council.

Councilor Baird Gourlay clarified that after the 25 year lease the panels revert back to the city.

Billy Mann clarified the lifespan of the panels is probably 30 of the 50 years

***Motion to authorize staff to negotiate and execute a contract for the Ore Wagon Museum Solar Photovoltaic System to Sagebrush Solar per the terms outlined in the Sagebrush Solar, Ketchum Ore Wagon Museum Solar PV proposal, received February 10, 2015.***

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

**c. Cooperative Road Maintenance MOU with Blaine County – Brian Christiansen, Street Superintendent.**

Brian Christiansen, Street Superintendent, went over the MOU with Blaine County Road and Bridge.

Councilor Anne Corrock clarified that the city does this every year.

***Motion to approve the Memorandum of Understanding between the City of Ketchum and Blaine County regarding Mutual Road Maintenance assistance.***



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

d. **Contract for Services with Sun Valley Events for Wagon Days Event Coordination – Lisa Enourato, Assistant to the City Administrator.**

Lisa Enourato, Assistant to the City Administrator, introduced the contract for services. Stephanie Bonney suggested a couple of changes in the contract.

Councilor Baird Gourlay clarified the contract is for the same amount as the previous year.

Councilor Anne Corrock asked about the indemnification. Stephanie Bonney clarified that the city of Ketchum is responsible for its own agents and employees, and that Sun Valley Events is responsible for its own agents and employees. Stephanie suggested designating a volunteer coordinator, in order for the volunteers to be covered by the City.

***Motion to approve the contract for services with Sun Valley Events, Inc. In the amount of \$25,000.***

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

e. **Discussion of proposed letter to Blaine County Commissioners regarding the Bridge and Road Levy – Suzanne Frick, City Administrator.**

Suzanne Frick went over what was discussed at the last meeting in regards to this agenda item. County Representatives, Angenie McCleary and Char Nelson, are present to address the Council regarding the Levy. Staff has revised the Ketchum priority list according to the comments made at the last meeting.

Angenie McCleary, County Commissioner, provided a list of what they are working towards with a 2015 Bridge and Road Levy, there can be a county only levy or a county levy for the county and city levy. The County would like to include the City in the levy, and would like a letter of support.

The current proposal is to levy for 3 million, approximately two-thirds would go to the county, and the remaining would be split by the cities according to their evaluation. The county is planning to improve their roads and bridges that are deteriorating. Their projects are focused solely on maintenance of the roads. They have recommendation from the Road and Bridge Department regarding which roads require the most maintenance.

Council President Michael David asked about the support from the other cities. Angenie McCleary commented that Bellevue has submitted a letter, the city of Hailey seems supportive, and they will likely submit a letter, but the county has not yet received a letter. Sun Valley is not supportive, Carey is supportive.

Council President Michael David asked for clarification of the reasoning behind the decision for a two year levy. Angenie McCleary clarified that they decided on a two year level because of the uncertainty of the state, Blaine County doesn't support a permanent levy at this point, they think the state needs to increase their funding.

Angenie McCleary commented the county has been actively involved with the legislature about raising the gas tax or registration fees. It seems that there has been more support this year. Blaine County is just finishing a poll to conduct in the county, if they will go forward with a May Election or if they will wait for a November election, dependent on what the state decides to do.

Council President Michael David commented that it is a tricky thing to write a letter of support, but then it is up to the voters. Angenie McCleary commented that is the reason they are doing a poll, to help determine what the voters may be willing to support.

Councilor Anne Corrock asked for clarification regarding who pays for the maintenance of the roads. Angenie McCleary clarified that the gas tax has remained stable for 20 years, and there is an increased cost in maintaining the roads. The county receives about 1.5 million dollars for road maintenance from the state. The transportation plan indicated that the county should have a budget of about 3 million dollars per year, the current budget is about 1.7 million.

Councilor Jim Slanetz commented on how the current gas tax is not adequate for maintaining the roads, and should be raised.

Councilor Baird Gourlay is generally in support of this, it has a direct impression on people when they come to the valley. He wants to make sure there are things in the Ketchum Area of Impact that are taken care of, especially Warm Spring Road, the paved part of it is completely falling apart. Councilor Gourlay would like there to be guarantees that those things are going to be done. It is an important road to be maintaining.

Angenie McCleary commented that the County has an agreement with the Forest Service to maintain that road. They are currently in a five year contract that expires in 2017. There is a 30 day clause where the county or the Forest Service can get out of the contract. The County does not receive any money for the maintenance of the road. They will need to take a hard look to determine if they can afford to continue to do the maintenance they do now. In addition to the maintenance they are working on a seven year maintenance agreement where they do one mile of intensive maintenance on Warm Springs Road each year. In 2013 the county spent a total of approximately \$160,000 on Warm Springs Road. They received \$26,000 from the state for that. It is an important, dangerous road and an expensive road to maintain.

Councilor Baird Gourlay clarified that it is not a county road after the pavement line. Angenie clarified that she was speaking towards the dirt part of the road.

Mayor Nina Jonas asked for clarification that the 6 miles from where the dirt starts to the hot springs costs \$160,000. Angenie said that is correct. Mayor Nina Jonas asked why they showed 18 miles on the Idaho State Road Revenue for the maintenance discussed. Angenie clarified that they don't have to maintain portions of that road.

Sarah Michael, District 4 Mobility Manager, Community Transportation Association, agrees with council comments, good roads are important for the economy. The Idaho legislature will decide this week if they will do any kind of sales tax. There is little momentum for gas tax or registration.

Councilor Baird Gourlay asked for clarification on when the levy would be put forward. Angenie McCleary said it is proposed for May, but it could go on next November.

Councilor Baird Gourlay asked for a county priority list. Angenie McCleary said they have a recommendations from staff but it has not come in front of the commission, and has not been made public yet. Angenie McCleary clarified that the board could have a discussion about that list. On the sheet she provided there is a number, in addition to the 54 bridges there is 120 miles of county roads that need to be prioritized. There may be an opportunity for the Council to provide input on the priorities. She is hesitant to give a list, when there is still tweaking what could happen.

Councilor Baird Gourlay commented that they can always renege their support.

Council President Michael David said it is important to offer support in order to show to the other cities. He trusts that they will recognize the priority of the roads.

Councilor Baird Gourlay can provide support tonight, and would like to see a document.

Councilor Anne Corrock commented that it is touchy recommending to our voters how to vote.

Angenie McCleary clarified that they are just clarifying if they are in support of a county/city levy.

Councilor Jim Slanetz is not opposed to putting it out the voters. Would like to see which way the state will go, it is ridiculous that the gas tax has not been increased, it is a lack of responsibility by the state to raise that tax.

***Motion to communicate to the County Commissioners that the City of Ketchum prefers a bridge and road levy that includes city funding provided the county portion of Warm Springs Road is identified as a priority project and that other funding and initiatives are pursued with the state and approve the proposed projects for funding if the levy is approved.***

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

**f. Recommendation to Request the KURA to Initiate Repayment of the Affordable Housing Loan Funds Provided by the City of Ketchum – Suzanne Frick, City Administrator.**

Suzanne Frick commented that in 06-07 the URA purchased the lot at 1st and Washington and the City provided the money for the down payment from the affordable housing fund. Since then the city has provided additional affordable housing funds for the maintenance of the site and for down payment for the purchase of the property on Sun Valley Road and East Avenue. The total funds provided equal about 1,495,830. The transaction was not a loan, instead it was a transfer to facilitate construction of affordable housing at the site. The resolution stated that if funds were not used for construction of affordable housing the funds should be transferred back to the City of Ketchum. The feasibility of constructing affordable housing at the 1st and Washington site is in question because of the market conditions. It is unlikely that a project will be developed at that site, other projects may be feasible at that site, but they do not include affordable housing. Based on these factors staff is recommending the council request the URA to initiate the repayment of the affordable housing funds. This would provide the city with funding to support affordable housing initiatives, such as funding for the Blaine County Housing Authority. The second benefit would be to remove the affordable housing obligation from the 1st and Washington site, which would improve the feasibility of development of that site. Council should consider if the full amount should be repaid or if the council is willing to discount the amount based on market conditions.

Councilor Baird Gourlay clarified with Stephanie Bonney that council members who are URA members do not need to recuse themselves.

Councilor Anne Corrock asked about discounting the in-lieu housing funds, if that would be legal.

Stephanie Bonney, City Attorney, commented that the city took those funds and invested it in real estate, there is not a legal issue with discounting the money.

Councilor Anne Corrock would not support discounting the money.

Councilor Jim Slanetz, commented that it is an encumbrance on the property. Suzanne Frick clarified that the encumbrance on the property is through the URA.



Mayor Nina Jonas clarified that they want the full amount back, to initiate repayment, and unencumber the property.

Suzanne Frick clarified that the council is requesting, the URA will make the decision.

Councilor Anne Corrock thought they should just request the money back, not comment on the encumbrance.

Councilor Baird Gourlay does not think it is unreasonable to request the money back. He will put it on a URA agenda and the URA will discuss.

Councilor Anne Corrock clarified that if the KURA pays it back in payments, does that unencumber the property.

Suzanne Frick said this will be a discussion with the KURA, but if there is a payment plan, the encumbrance could come off the property. Stephanie Bonney commented that it would need to be a binding promissory note.

Council President Michael David clarified that the money coming back would be restricted to affordable housing.

Phylis Shafran, Ketchum resident, commented on the encumbrance on the property.

Mayor Nina Jonas asked if the encumbrance could be on the body rather than on the piece of property. The removal of the encumbrance is to encourage something to happen.

Council President Michael David said it is helpful to help fund the Housing Authority and the KCDC.

Mayor Nina Jonas clarified that either the City gets its money back, or housing is constructed on other property.

Councilor Jim Slanetz clarified that the KURA is limited where they can put affordable housing.

Councilor Anne Corrock feels the council is underestimating what the KURA can do with that property.

Councilor Baird Gourlay suggested that the council should request the money and then it should go to the URA board for discussion. They cannot pay 1.5 million dollars right now; it will be a payment plan. It may be that there will be negotiations, perhaps a payment plan, with a balloon payment in 5 years. The URA is making a commitment for staging on that property for 18 months to two years.

Councilor Anne Corrock does not think the city should suggest how the URA does business, and should not ask them to unencumber the property.

***Motion to request the KURA identify a repayment schedule to reimburse the city for affordable housing funds and to remove the affordable housing obligation from the First and Washington property.***

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| <b>RESULT:</b>   | <b>APPROVED [3 TO 1]</b>                  |
| <b>MOVER:</b>    | Michael David, Council President          |
| <b>SECONDER:</b> | Baird Gourlay, Councilor                  |
| <b>AYES:</b>     | Michael David, Baird Gourlay, Jim Slanetz |
| <b>NAYS:</b>     | Anne Corrock                              |

**7. EXECUTIVE SESSION to discuss:**

Litigation pursuant to Idaho Code §§67-2345 1(f).

*Motion to move into executive session at 8:34 p.m. to discuss litigation pursuant to Idaho Code §§67-2345 1(f).*

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


8. ADJOURNMENT.

*Councilor Baird Gourlay motioned to adjourn at 8:56 p.m., Councilor Jim Slanetz seconded the motion, passed unanimously.*



Michael David  
Council President

ATTEST:



Sandra E. Cady, CMC  
City Clerk