



## REGULAR KETCHUM CITY COUNCIL MEETING

Monday, July 7, 2014 at 5:30 p.m.

Ketchum City Hall, Ketchum, Idaho

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

**Also Present:** Ketchum City Attorney Stephanie Bonney  
Ketchum Director of Planning and Building Joyce Allgaier  
Ketchum Police Chief Dave Kassner  
Ketchum Administrative Clerk Katie Carnduff  
Minutes written by Ketchum Recording Secretary Sunny Grant

1. The meeting was called to order by Mayor Nina Jonas at 5:30pm.

### 2. COMMUNICATIONS FROM MAYOR AND COUNCILORS.

- Mayor Nina Jonas said summer arrived with hot weather and a fantastic 4<sup>th</sup> of July with lots of people on the street.
- Thanks to citizens for keeping fireworks under control, which is a result of outreach and education.
- Ketchum Fire Chief Mike Elle said Stage 1 Fire Restrictions will start very soon. The Hell Roaring Fire got very big very quickly and is about 90% contained. The Colorado Gulch fire west of Hailey was erratic and drew heavy response. Both fires are under investigation.
- Councilor Anne Corrock and Dale Bates put the YOU ARE HERE stickers on the Wayfinding maps. Councilor Corrock noted that she realized just how important sidewalk improvements are.
- Councilor Jim Slanetz said the bike race was a good event.
- Councilors welcomed the new Police Chief.

### Communications from Council Liaisons: Ketchum Community Development Corporation

- Councilor Baird Gourlay said the Wood River Economic Partnership (WREP) and Sun Valley Economic Development have officially merged.

### Mountain Rides

- Councilor Gourlay said Jazz and local event organizers need to let people know that cars parked in the Mountain Rides pull-out cause problems for the buses and will be ticketed in the future.

### 3. COMMUNICATIONS FROM THE PUBLIC. *For items not on the agenda.*

No comments at this time.

### 4. Presentation on the Proposed Galena Groundwater District.

This has been rescheduled.

### 5. Blaine County Housing Authority Semi-Annual Report

Blaine County Housing Authority Ketchum Board appointee Carter Ramsay sends regrets that he is unable to be at tonight's meeting.

Blaine County Housing Authority (BCHA) Executive Director David Patrie presented the BCHA Semi-Annual Report for the period ending March 31. The Report was sent to all stakeholders and has been on the BCHA website. Patrie reported on Employment and Market Conditions:

- Unemployment in 2013 was 6.3% and is 6.2% this year. The 1% increase in jobs seems small, but it's better than the drop in the last few years. Population growth is less than 1% from 2013 to 2014, but the three previous years have been a declining population in Blaine County. Tracking job trends is a way to forecast demand for housing. The housing market stayed strong during the five-year Recession, with only one down year (2012) in affordable housing. Owners of affordable housing units didn't take the beating that affected some market-rate owners.
- The number of units sold in the last two years is down about 37%. The median price of \$335,000 for a 1BR or 2BR unit is only about a 3% increase over the last two years. Smaller households of one or two people need an annual income of about \$84,000 to qualify for a loan to buy one of these smaller units in Ketchum. A household of one has to earn about 150% of the AMI and a household of two has to earn about 130%. It's tough to be able to afford anything in the north valley. Single family homes are flat at about \$1 million, and you need to earn about \$270,000 annually.

- In Hailey/Bellevue, the condo/townhouse market is still affordable, but may not be by the end of this year. Hailey/Bellevue single family home sales have declined due to lack of inventory, not lack of demand.
- In Blaine County, the area median income and average wage are higher than average in the State of Idaho. The vast majority of applicants in the BCHA earn an hourly wage.
- In most markets, a “moderate income” family that earns 80% of the AMI cannot afford housing and must rent. Since 2011, the BCHA has documented rentals in the local newspaper. The number of ads in the newspaper for north valley rentals is down 13% and south valley rentals are down 30%.
- BCHA now has 12 rental units. The BCHA is helping affordable housing developers apply for funding and develop rental properties. BCHA has 83 ownership homes that moderate-income people can purchase.
- Ketchum’s support of the BCHA and its housing programs is vital to the area’s economic development. Blaine County competes for visitors and also employees, and needs to be able to recruit and retain employees, which will bring visitors back.
- More affordable houses have sold in the first half of 2014 than all of 2013. When owners of affordable houses sell their homes, the majority transition to market-rate houses.
- The database has an even number of Category 1, Category 3 and Category 4 applicants. Over time, Category 1 applicants have increased and Category 4 applicants have declined.
- Ketchum is the preferred location to live except for households of three or more, which prefer Hailey, even if they work in Ketchum.
- Bankers have difficulty lending money, but some of the more onerous restrictions are being addressed and responsible homeowners can purchase.

**ANSWERS TO COUNCILOR QUESTIONS:**

- The BCHA shares information back and forth with SVED.
- BCHA is working to get accredited as a tax credit development manager.

**PUBLIC HEARINGS.**

**6. YMCA Minor PUD Amendment – Wood River Community YMCA, applicant, 101 Saddle Road (Tax Lot 6689)**

*Also Present: YMCA Executive Director Jason Fry  
YMCA greenhouse architect Errin Bliss*

6:13:47 pm Ketchum Director of Planning and Building Joyce Allgaier said this is a proposed Planned Unit Development Amendment of the original YMCA project. The YMCA is proposing a greenhouse, which, according to Ketchum’s subdivision and PUD regulations, requires a PUD Amendment. Ketchum P&Z reviewed the application in both Design Review and the PUD Amendment, and recommends approval.

The YMCA was approved for about 85,000sf. This 980sf greenhouse addition is proposed for the concrete patio located at the southwest corner of the Y, with landscaping and gardens around it. The greenhouse is meant to provide additional learning and experiential space within the Y.

This is a minor amendment to the PUD. Requirements of the original PUD approved for the YMCA remain in effect. The Planning Commission had some conditions for Design Review, which would apply as well. Staff reviewed the lease agreement, and doesn’t feel the need for an amendment to the existing lease agreement between the City of Ketchum and the YMCA. The use proposed is in keeping with the original intent of the YMCA.

**APPLICANT:**

YMCA Executive Director Jason Fry said this idea was inspired by an urban garden in Chicago where they rehab/job train incarcerated adults and a YMCA after-school program for inner city kids. Gardens in the Wood River Valley are currently at Hemingway School, The Hunger Coalition, Sawtooth Botanical Garden and St. Luke’s; they all feel the YMCA greenhouse is a good initiative and potential partner. The Ketchum YMCA greenhouse is being called a Living Learn Lab and is meant to be an educational tool for healthy living for after-school kids, teens and volunteer adults. The outdoor landscaping area will be done in partnership with the Sawtooth Botanical Garden. Any produce from the greenhouse and gardens will be taken across the street on Thursdays when the Hunger Coalition distributes food at the Presbyterian Church.

The YMCA has a seed contribution for the initial planning and some of the architecture. The YMCA has some additional fund-raising to do. If the YMCA can begin construction in early fall, they will have a working greenhouse mid-winter that they can learn to operate by spring.

The YMCA pays Clearwater Landscape to landscape YMCA grounds. Since the greenhouse replaces a lawn area, there’s no additional financial burden on City services.

**PUBLIC COMMENT - NONE**

Project architect Errin Bliss said the greenhouse will be solar heated during the day, but will need the radiant floor heat at night.

Ketchum Parks and Recreation Director Jen Smith said Ketchum has a very good partnership relationship with the YMCA. Ketchum's garden has been going since about 2008 and is very popular with Parks and After-School Programming in the fall and spring. The program is taught by Poo Wright Pulliam, who teaches everything from growing to sustainable practices using bugs as pest control. The YMCA will most likely have a younger clientele. Smith said the programs are complimentary.

Councilors were very supportive.

**Councilor Baird Gourlay moved to approve the Wood River Community YMCA minor Planned Use Development Amendment and authorize the Mayor to sign the minor amendment to Conditional Use Permit 04-008. Motion seconded by Council President Michael David, and passed unanimously.**

**7. Ordinance Number 1118 Proposed Text Amendment to the Ketchum Zoning Code, Title 17, Chapter 17.72 Light Industrial District Number 2 (LI-2), Section 17.72.010.B "Conditional Uses Permitted", George Golleher, applicant.**

Ketchum Director of Planning and Building Joyce Allgaier said this is a public hearing for a requested zone change in the LI-2 by a member of the public. The applicant is George Golleher, represented by attorney Jim Laski.

The LI-2 has a provision that allows for restaurants and small food establishments as a Conditional Use.

The language restricts the size of the restaurant (including kitchen) to 1,000sf, requires the restaurant to provide support to the Light Industrial District, must meet all off-street parking requirements and must serve no later than 9:00 pm.

The applicant proposes that the 9:00 pm restriction be stricken. The Planning Commission held a public hearing. After quite a bit of discussion, the Planning Commission recommended that the City Council approve an amendment to the Code with the following language: "No service past 9:00 pm unless expressly approved through a Conditional Use Permit." Conditional uses typically address uses that may not be a perfect fit in a particular zone district, or uses that should come with certain restrictions or requirements.

There are presently two restaurants in the LI-2. Staff does not recommend that Council consider restaurants in the LI-1 or LI-3 at this time. The existing Bigwood Bread Café in the Sockeye Building has a Conditional Use permit. The new Bigwood Bread Bakery was allowed to have a 1,000sf café. If this Code Amendment is approved, and either of the new wanted to operate beyond 9:00 pm, they would individually need to come in for Conditional Use Permit review.

Staff and P&Z discussions:

- Should restaurants in the LI have an option to serve beyond 9:00 pm? Ketchum wants to preserve its Industrial District for what it is and for its function in the community.
- Ketchum has a unique industrial district, with a lot of employees, some residential. It's good to have some support for those employees, but it's a delicate balance.
- Ketchum wants to minimize competition with its downtown core, the most vital and active place in the community.
- The Planning Commission can place specific limitations on what it permits, i.e., operate later than 9:00 pm for one night a week.
- The Code is very clear that residential use in the LI should be secondary to the dominant industrial use. Ketchum doesn't want that many residences in the LI, but doesn't want a restaurant operating late at night to have a negative impact on residences, either.

APPLICANT:

Jim Laski, representing applicant George Golleher and Bigwood Bread LLC, said they proposed the Code Amendment for the Bigwood Bread facility under construction in the LI-2 Zone. Bigwood Bread has a CUP to operate a small restaurant associated with the manufacturing facility and allows for some retail space as well. Laski said the absolute closing time of 9:00 pm doesn't seem like a meaningful restriction, and could impact Bigwood Bread's ability to do some special functions, such as cooking classes, etc. The applicant thinks the time restriction should be a condition and not an arbitrary number in the Code. Laski didn't think a restaurant in the LI-2 limited to 1,000sf would compete with restaurants in the CC.

PUBLIC COMMENT:

- William Glenn, property owner and lessor in the LI-1, is not in favor of restaurants open later than 9:00 pm in the Light Industrial. Grumpy's started out with a Conditional Use Permit for 1,000sf as a venue to supply catering trucks that went to construction sites. They did that for a year or two, until the restaurant was established. Then they added outdoor seating, and are now probably one of the largest restaurants in Ketchum. They are routinely open until 10:00 pm, and sometimes much later. If Ketchum is serious about preserving the LI, it has to prevent cannibalization of the Community Core.
- Vic Carlson said there's a tremendous difference between Grumpy's, which is successful, and Bigwood Bakery, which will be about the same as the existing Bigwood Bread Café. Bigwood Bread will be good for the community, just like its store in downtown Ketchum.
- Bruce Smith thinks one or two restaurants are needed in the LI Zone so people don't have to drive downtown.

## COUNCILORS' COMMENTS:

- Councilor Corrock said it doesn't make sense to have a restaurant open after 9:00 pm in the LI. The Comp Plan includes development standards, including operational requirements for non-residential units to insure compatibility with nearby residential units. People who live in the LI are working people, who don't need businesses that are open late. If it's open late for classes, would that fall under a special use permit? Enforcement is a Ketchum weakness. The Comp Plan says secondary uses should generate little traffic from tourists and general public. Councilor Corrock said the City needs to protect the downtown core. She was very apprehensive to go forward with this application, but would like to find a special permit process for classes, etc.
- Councilor Slanetz said the LI was pretty calm late at night, and he didn't see traffic and parking much of an issue. He thought a Conditional Use would be better than completely making it off limits. People who live in the LI know that where they live has a wide range of activities. He is not opposed to extended hours being permissible under a Conditional Use.
- Councilor David is fine with the Conditional Use Permit process. An ordinance would have to be enforced. He didn't think the cannibalization concern is valid just because a restaurant can be open after 9:00 pm.
- Councilor Gourlay said gross floor area doesn't include outside, which is a shortcoming in the Code. Parking is based on seating, but outside seating is not included, nor is outside retail space. Ketchum is trying to protect businesses downtown. A restaurant could have 4,000sf of dining outside. If the restaurant is meant to support the LI, it needs to be rewritten.
- Councilor Corrock would like clear language, beyond just saying 9:00 pm, to provide guidelines for P&Z to follow. Allgaier said the Planning Commission has a set of criteria to judge conditional uses, such as impacts on adjoining properties. There is no criteria that speak to impacts on the downtown.

Allgaier said a Code Amendment can't be for one applicant. Bigwood Bread has 1,000sf for their kitchen, counter and inside seating. They have proposed outside seating in their Conditional Use application, which incurs offstreet parking requirements.

City Attorney Stephanie Bonney said the Conditional Use permit process provides the opportunity to evaluate the compatibility, traffic, location, etc.

Bigwood Bread provides support to Light Industrial District employees by being an easy place to grab a sandwich. Most employees leave after normal working hours.

Allgaier reiterated that this text amendment simply gives a Conditional Use Permit holder the opportunity to request being able to serve beyond 9:00pm. The request could be to allow later hours for certain activities or certain nights. The P&Z's Conditional Use decisions can be appealed to the Council by either party.

**Council President Michael David moved to waive the three readings of Ordinance Number 1118 and read by title only. Motion seconded by Councilor Baird Gourlay.** In discussion, Councilors Anne Corrock and Jim Slanetz wanted to allow time for the public to voice their opinions. **Motion failed.**

**Council President Michael David moved, pursuant to Idaho Code 6765, to approve the first reading of Ordinance 1118. Motion seconded by Councilor Baird Gourlay. Motion passed with three in favor and Councilor Anne Corrock opposed.**

## 8. COMMUNICATIONS FROM STAFF.

**Vue Townhomes Subdivision Preliminary Plat – Thomas Monge and Elmar Grabher, 105 Pinewood Lane (Lot 19, Parkwood Subdivision)**

*Also Present: Owner Thomas Monge  
Applicant Alex Monge  
Project architect Nicole Ramey  
Bruce Smith, representing the applicant*

Director of Planning and Building Joyce Allgaier said this is an application for a two-lot subdivision with four separate freestanding townhomes. There are a number of single family residences to the north and west. There are a number of multi-family complexes and subdivisions to the south. The property is zoned GR-L.

There is a private deed restriction on the property that has been brought into question. City Attorney Stephanie Bonney said there had been in-office debate on this question, and she asked attorneys in other cities if they enforced private deed restrictions. Private deed restrictions are usually contained in CC&Rs, which the City does not enforce. Attorneys may have legitimately different positions, but City Attorney Bonney felt this was more akin to a CC&R, a private right of action that may or may not lie, and is actually not a part of Ketchum ordinances or conditions. It is City Attorney Bonney's recommendation, along with staff, that Ketchum not address the private deed restriction, recognizing that there may be a private right of action to prevent the subdivision 7:15:01pm, but the City is not in a position to determine whether or not this is a valid deed restriction and whether or not it should be enforced. The recommendation is that the City not impose a condition that would require a judicial determination on whether or not this property could be subdivided. There are neighbors that have attorneys that feel the City should impose this condition, and the City Council

could legitimately decide to do that. There is no clear path of action. There are no cases that provide any direction on where a judge would go. City Attorney Bonney feels the safest route for the City is to call this a private cause of action. City Attorney Bonney said she had received an email this evening that a lawsuit was filed in District Court by one of the neighbors to enforce this deed restriction. The City is not named as a party to that particular lawsuit, which enforces her belief that this is a private right of action that the City should not get involved with.

Councilor Corrock asked how this lawsuit affected Council's action on the application. City Attorney Bonney said that, even if Ketchum were named in a lawsuit, unless a plaintiff or defendant asks for an injunction, it does not stop any of the processes going on. The City may approve this to be subdivided, but that doesn't mean there isn't some other private right that prohibits the subdivision. The City's only job is to decide if the application meets the City's requirements and the City's ordinances. City Attorney Bonney feels that this private deed restriction is outside Ketchum's requirements and ordinances. She said Ketchum does not have jurisdiction to deny the application because of the private deed restriction if it seems to meet all of Ketchum's requirements. If the applicant gets approval from the City for a private right of action, a Court may stop them from doing the subdivision. The private deed restriction doesn't affect the City of Ketchum directly. The City cannot stay its own proceedings based on the lawsuit. The developer can voluntarily ask to stay the application, rather than take a chance on getting a vote they don't want; but they have the right to have a decision on their application regardless of what's going on with an outside lawsuit. Unless the applicant requests a stay or agrees to a stay, the City has to legally proceed with some decision. The City could decide to condition their decision on a legal determination, but City Attorney Bonney would like to discuss conditioning the decision with the City Council before they consider doing that.

7:20:32 pm Allgaier said this application wouldn't have gotten this far if staff really felt that this issue was truly an impediment. Allgaier said Council also needed to discuss the new proposed Pineview Lane that is proposed to access and service these four new lots in the subdivision. Staff believes it to be a private street, because it serves four lots and an additional Lot 17 to the west of the proposed four lots. Pinewood is the existing main public street. There's an easement across the private street that would serve each subplot and Lot 17, which is subdividable based upon existing zoning. The easement will provide utility easement to the property to the south. There's a water line in the easement and a new sewer main proposed at the north side of the property.

The definition of "private street" is serves more than four units, which is an odd provision because a private street usually serves fewer and not more residential parcels. The definition of private street is important because setbacks are taken from streets. All the new proposed residences would front on the private street.

A new subdivision is a blank slate of land. New subdivisions pose the opportunity to establish new yards, new lots and a new layout of land.

The proposal is to subdivide an existing 20,000+sf lot into two lots that are 8,000+sf. The minimum lot size is 8,000sf. Each of those two lots will be subdivided into two sublots. In this LR zone district, two housing units can be put on a single lot, either a duplex or two freestanding units. Design Review is required for townhouse developments. The Planning Commission has already approved the two-lot subdivision; preliminary approval for the townhouse subdivision and four lots; and Design Review approval for the townhouse residential units.

An oddity of Ketchum Code is that an applicant cannot come before Council for a townhouse subdivision until they've obtained a building permit for at least one townhouse.

Lot coverage is about 29%, which is under the maximum 35%. The building maximum height of 26ft is well under the 35ft maximum allowed. The front yard setback minimum is 15ft and their front yards are 28ft. The rear setback of 15ft is met. There is no setback requirement to a subplot line, but there is a setback requirement (1ft for each 3ft of height) to the property line. When a subdivision abuts more restrictive zoning, as it does here, the setback for that lot is 1ft for every 2ft of height. 7:29:00 pm

Parking required is two spaces per unit. The project provides 11 parking spaces. All units have two spaces, including one-car garage; and some of the units have three spaces. Each lot has snow storage for driveway and walkway. One neighbor has requested that the road not be paved to the last 10ft, to allow for better permeability in that area; and the snow not be plowed to the property line, where it will melt across the property line. The applicants have indicated they will work around the zigzag fence that has been in the neighborhood for a long time.

Units are contemporary design, using natural materials, metal and barnwood siding. Units have an open floor plan with 3 bedrooms, 2½ baths, garage with ample storage for toys, laundry room and mudroom.

The Planning Commission was concerned about the pavement between Parkwood and the new driveway. Staff encouraged that Parkwood driveway be utilized for Vue Townhomes to save pavement, but that didn't happen. The Planning Commission asks the applicant to preserve the landscaping between the two properties where possible and replace what is removed or damaged, and also provide more landscaping on the west property line.

Staff and the Planning Commission recommend approval of the application and consider the location appropriate for infill and transition among the densities around it.

#### APPLICANT:

- Project architect Nicole Ramey described surrounding housing stock and density.

- Applicant Alex Monge said they didn't consider a flag lot because they wanted to build four units for sale.

**PUBLIC COMMENT:**

- Bruce Smith, representing the applicant, said tonight's application is just for subdivision preliminary plat 7:51:47pm.
- Gary Allen, attorney representing Bob Korb, owner of Lot 17. Mr. Korb supports in-fill housing and supports this project with minor modifications. He requests that the proposed unit adjacent to his property be set back 20ft from the property line rather than 13ft so he gets benefit of the rear setback, which was lost because the road was crammed in there. If the City of Ketchum is not willing to make that condition, Mr. Korb needs to make a record on two significant vulnerabilities in this project: Pineview Lane does not meet the definition of a public street or private street; the driveway does not serve more than four dwelling units as required by the Code, and Mr. Korb does not need or want additional access. It's also insufficient to say the road could serve future developments; the Code requires it to serve actual lots, not speculative lots. It is not possible to create an additional lot in Mr. Korb's backyard because of a deed restriction just like the one on the Vue Townhomes lot. Ketchum Street Standards require a temporary or permanent turnaround for emergency vehicles, and neither is provided. The private road lacks snow storage. The recent Idaho Supreme Court authority requires the City to impose a condition of approval for the developer to clean up the deed restrictions that inhibit subdivision of Lot 19. The deed restriction states that no lot shall be divided and therefore increase the number of structures that may be placed thereon. The Court, not the City, will resolve these questions, and a suit was filed today. Can the City ignore the presence of that issue and suit or are they required to condition the development on resolution of the suit. The City should require the developer to resolve this question before this development moves forward. If the City does not place that condition of approval on the development and wash its hands of the issue, and the case proceeds to judicial review, the City is likely to be named in that suit. Allen submitted a page of proposed conditions of approval. He reiterated that Mr. Korb's primary request was for the 20ft rear setback.

Applicant Alex Monge said they would love to accommodate their neighbors, but a 20ft rear setback would not allow them to split the entire lot in half and get four separate 8,000+sf lots.

Applicant Elizabeth Grabher said their attorney Fritz Haemmerle could not be present at tonight's meeting. Mr. Haemmerle wrote a letter to the City of Ketchum explaining the deed restrictions. She said she and Mr. Monge had grown up in Ketchum and really wanted to see it thrive again, with young people living here. Their company name, Infinity Projects LLC, was chosen to represent new projects and new products to get families back into Ketchum.

- Lisa Horowitz encouraged Council to take a close look at the engineer's drawing of the two lots in the GR-L, which meet the 8,000sf required minimum and should work with the 20ft setback. Staff's interpretation of front and side yard should not need to be changed.
- Stephanie Reed said this kind of project is needed in this area. Units have nice square footage, with a garage, and walkability into town.
- Jed Gray said this is a perfect transitional infill project. Realtors are looking for free-standing units at a reasonable price for families.

Tom Monge, co-owner of the project, said he and co-owner Elmar Grabher looked all over for a lot for this kind of project, and thought this was the best location for a transition project.

**STAFF AND COUNCILORS' COMMENTS:**

- Councilor Gourlay said the 20ft driveway doesn't seem big enough for this development. He questioned the setbacks and how cars can back out and turn around. He was very concerned about snow storage.

Alex Monge said CC&Rs specify that snow would be removed from the private street every time it snows.

- Ketchum Fire Chief Mike Elle is comfortable with the 20ft driveway. No turnaround is required.
- City Attorney Stephanie Bonney said the Code says a private road must provide access to more than four lots. It does not distinguish if this is current or future access. She said the access road, snow removal and road are important questions related to whether this property can legitimately be subdivided in this particular area. Preliminary plat is the time to look at setback issues. Final plat is a determination on whether the application complies with preliminary plat and conditions of approval.

P&Z looked at setbacks. There was not a hard proposal for 20ft by Mr. Korb at the time, but P&Z discussed setbacks and held the applicants to the more restricted standard of adjoining neighboring property. City Attorney Bonney said Mr. Korb's attorney is raising the issue of whether that's a private street and where the front of the lot is and what are the required setbacks.

- Allgaier said a street of this nature has to provide access to adjoining properties in the eventuality of further development.
- Councilor Slanetz asked about sharing the road with the neighboring property. Allgaier said it would have been a nice arrangement, and even allowed a small pocket park, but it takes partnership.

Alex Monge said it was unlikely any property owner would allow another project to use a private road across their property.

Lisa Horowitz said Subdivision Code in GR-L is two 8,000sf lots. Within that are sublots, which don't have to be exactly 4,000sf. A subplot can be as small as the perimeter of a building.

- Allgaier said it wasn't that simple. Each lot would need a minimum of 13ft to the property boundary down the middle of the subplot.

Ramey said Sublots 2 and 3 abide by the 1ft for every 3ft setback; and the buildings have passed building permit review.

- City Attorney Bonney said the potential "lawsuit" by Mr. Korb would be a Petition for Judicial Review, with the claim that the access road does not comply with the City's requirements and that the City should have conditioned the approval of the subdivision on judicial determination on whether or not they have the authority to subdivide the lot.
  - Councilor David asked the applicant to see if they could shift a little to see if everyone can avoid a lawsuit.
- Alex Monge said they had designed the units the best they could.

- Allgaier said the property meets all requirements to subdivide from one lot into two lots.
- Councilor Corrock said she would have preferred to see the subdivision without all the confusion.

**Council President Michael David moved to approve the application by Thomas Monge and Elmar Grabher for subdivision of Lot 19 Parkwood Subdivision into Lots 19a and 19b Preliminary Plat with conditions 1 through 9. Motion seconded by Councilor Jim Slanetz, and passed with three in favor and Councilor Anne Corrock opposed.**

## 9. AGREEMENTS AND CONTRACTS.

### Internet and Telephone Service Provider Contract

Ketchum Fire Chief Mike Elle said Council discussed this contract at the last meeting. Ketchum is switching Internet Service Providers to save money and gain technological advantage.

**Councilor Baird Gourlay moved to approve CenturyLink ISP contract in an amount not to exceed \$2,000 per month, and the contract edits to be approved by the City Attorney, and authorize the Mayor to sign the contract. Motion seconded by Councilor Jim Slanetz and passed unanimously.**

## 10. COMMUNICATIONS FROM THE PRESS.

There were no questions from the press at this time.

## 11. CONSENT CALENDAR

- Approval of minutes: June 16, 2014
- Recommendation to approve current bills and payroll summary.
- Approval of 2013-14 and 2014-15 Liquor, Beer and Wine Licenses.
- Agreement with Ralph Harris and the City of Ketchum's Ketchum Arts Commission for an artist commission to illustrate a Sun Valley Company ski lift Gondola Car.
- Powder Creek Phase IV Development Agreement Amendment, Robert Sarchett, 300 South Second Avenue, Unit 4 (Powder Creek Townhomes, Sublot 4.)
- Findings of Fact and Decisions of Law regarding:
  - AWE Development Agreement Amendment
  - Vue Townhomes Subdivision Preliminary Plat.

**Council President Michael David moved to approve the Consent Calendar, seconded by Councilor Baird Gourlay. Motion passed unanimously.**

## 12. EXECUTIVE SESSION to discuss:

- Labor Relations pursuant to Idaho Code §§67-2345 1(c).
- Litigation pursuant to Idaho Code §§67-2345 1(f).
- Personnel pursuant to Idaho Code §§67-2345 1(b).

**Council President Michael David moved to go into Executive Session for labor relations, pursuant to Idaho Code 67-2345 1(c), litigation 67-2345 1(f), and Personnel 67-2345 1(b). Motion seconded by Councilor Jim Slanetz. Roll call: Councilor Anne Corrock yes, Councilor Jim Slanetz yes, Council President Michael David yes, Councilor Baird Gourlay yes. Motion passed unanimously.**

## 13. ADJOURNMENT

**Council President Michael David moved to adjourn at 9:30 pm. Councilor Jim Slanetz seconded the motion, and it passed unanimously.**

ATTEST:

  
Sandra E. Cady, CMC  
City Clerk

  
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Nina Jonas  
Mayor